

Summary of Comments on “Marine Protected Areas in Alaska: Recommendations for a Public Process”



Compiled by
Doug Woodby

October 14, 2002

**Summary of Comments on
“Marine Protected Areas in Alaska:
Recommendations for a Public Process”**



Compiled by
Doug Woodby

Regional Information Report¹ No. 5J02-09

Alaska Department of Fish and Game
Division of Commercial Fisheries
P.O. Box 25526
Juneau, Alaska 99802-5526

October 14, 2002

¹ The Regional Information Report Series was established in 1987 to provide an information access system for all unpublished divisional reports. These reports frequently serve diverse ad hoc informational purposes or archive basic uninterpreted data. To accommodate timely reporting of recently collected information, reports in this series undergo only limited internal review and may contain preliminary data; this information may be subsequently finalized and published in the formal literature. Consequently, these reports should not be cited without prior approval of the author or the Division of Commercial Fisheries.

Summary of Comments On “Marine Protected Areas in Alaska: Recommendations for a Public Process”

This document summarizes the main points of 27 written responses to a request for comments on “Marine Protected Areas in Alaska: Recommendations for a Public Process,” which was published by the Alaska Department of Fish and Game in July, 2002¹. Comments were due by October 2, 2002. The written responses came from a variety of individuals, agencies, and organizations (Table 1), and together, represent a broad spectrum of viewpoints. The comments are generally very thoughtful and constructively critical, and demonstrate a high degree of interest and commitment to responsible marine resource management in Alaska. The Alaska Department of Fish and Game conveys these comments to the Board of Fisheries with the expectation that the comments will be valuable to the Board in dealing with marine protected area issues.

Table 1. List of individuals, agencies, and organizations providing written responses.

Number	Comment Source
1	Alaska - Division of Governmental Coordination
2	Alaska Dept. of Law
3	Alaska Dept. of Natural Resources
4	Alaska Forest Association, Inc.
5	Alaska Marine Conservation Council
6	Brower, Gordon
7	Bunker, Don N.
8	Central Council Tlingit and Haida Indian Tribes of Alaska
9	Chugach Alaska Corporation
10	Conservation Fund
11	Cook Inlet Keeper
12	Cummings, Terry
13	Defenders of Wildlife
14	Glacier Bay National Park and Preserve
15	Juneau Douglas F&G Advisory Committee
16	Kandianis, Teresa
17	Marine Conservation Alliance
18	NANA Regional Corporation, Inc.
19	Native Village of Eyak Traditional Council
20	Ocean Conservancy
21	Resource Development Council
22	Scholz, Astrid
23	Sloane, Scott - ADF&G, Commercial Fisheries Div., Region I
24	Southeast Alaska Fishermen's Alliance
25	Taylor, Robin L., Senator
26	Ugoretz, John - California DFG
27	Wainwright, Nancy S.

¹ ADF&G. 2002. Marine Protected Areas in Alaska: Recommendations for a Public Process. Regional Information Report 5J02-08. Alaska Dept. of Fish and Game, Juneau.

1. Alaska Division of Governmental Coordination (DGC).
 - a. The definition of marine protected areas is too broad and terms used require further definition.
 - b. Clarify coordination with other agencies, especially Alaska Coastal Zone Management Program as coordinated by DGC, and clarify areas included.
2. Alaska Dept. of Law
 - a. Report reflects a legally sound approach.
 - b. Clarification of how the Board might best work with the Legislature to have a reserve designated.
 - c. MPAs that only restrict fishing probably do not need legislative approval.
 - d. Policy and/or MPA proposals should specify how MPAs are to be modified in the future.
3. Alaska Dept. of Natural Resources
 - a. Questions why the report deals with authorities not involving fisheries.
 - b. Alaska's response to the federal MPA initiative should be a global state process and not specifically focused on fisheries.
 - c. Not clear why state parks and Areas Meriting Special Attention are included in the inventory as these do not restrict fishing.
4. Alaska Forest Association, Inc.

Asks for clarification on impact of the MPA program on the timber industry.
5. Alaska Marine Conservation Council
 - a. Proposes revised definitions for MPAs.
 - b. Supports rockfish reserves in the Gulf and Aleutian Islands.
 - c. Supports full involvement of stakeholders in process and adoption of a clear policy with adequate timeframe.
 - d. Supports a needs analysis, and conservation measures combining an incremental approach and a long-term goal if creating a system of reserves (p. 6).
 - e. Protection of sensitive marine habitats must include stakeholder input, even if there is a need for expedited review.
 - f. Supports full involvement of stakeholders in reserve design, including site selection.
 - g. Supports development of management plans.
 - h. Stresses need to involve tribal organizations in planning.
 - i. The inventory has areas listed that do not provide sufficient, year round protection to qualify under the federal definition for MPAs. Those areas are better termed Marine Managed Areas. A list of 6 areas left out is included, and

an error in the boundary of the no trawl area of the eastern Gulf of Alaska is noted.

6. Brower, Gordon

Describes need for offshore protected areas for anadromous fish to protect subsistence needs.

7. Bunker, Don N.

- a. Opposes creation of more MPAs. Management is sufficiently conservative as is.
- b. Additional fishing restrictions will result in loss of jobs and negative impacts on economically depressed area of the state.

8. Central Council Tlingit and Haida Indian Tribes of Alaska

Incorporate language specifically calling for coordination with federally recognized tribes of Alaska, and lists sections of report where to do this. This would be in accordance with the “Millennium Agreement” and with Board policy.

9. Chugach Alaska Corporation

- a. MPA designations could impair Chugach’s plans for economic development. Chugach and other ANSCA corporations should be involved in the public process early, given their need for access to tidelands and for subsistence use of marine waters.
- b. Scientific basis for establishment of MPAs in Alaska should come from the North Pacific, not elsewhere, and should be in place before MPAs are designated.
- c. Fears that nominations will be based not on science but on wish lists of environmental group’s intent on closing Alaska to commercial use.
- d. The MPA inventory doesn’t include EFH or HAPCs of federal program. How much is currently protected, and how will the state and federal designations relate?
- e. Funding should be secured to support the scientific and management planning processes.

10. The Conservation Fund

- a. Requests that a letter by the author and Dr. S. Earle in the Anchorage Daily News (8 June 1999) be included in comment record. The main points of that letter are:
 - i. Alaska has a rich marine realm that drives Alaska’s ecology and economy.
 - ii. The majority of Alaska’s conservation problems are in Alaska’s oceans, which in contrast to the land, has few protected habitats.

- iii. A network of marine reserves should be designed by top scientists, beginning with existing protected areas, based on an identification of essential fish habitat in state waters, and given formal protection for conservation values.
- b. Ocean reserves should be considered on larger scales than mentioned in the report.
- c. Long-term benefits of an expansive marine conservation system will far outstrip short-term losses of those displaced.
- d. Marine reserves are needed to provide places where ocean life can proceed without the dominating and manipulating influences of humanity; rationale of enhancing commercial fisheries is too limited.

11. Cook Inlet Keeper

- a. Supports MPAs to better protect uses of marine resources.
- b. Pollution controls and coastal habitat protection should be included as important issues in the MPA program (in addition to fishery issues).

12. Cummings, Terry

Favors setting up MPAs in Alaska to safeguard plants and animals for generations to come.

13. Defenders of Wildlife

- a. The report is too heavily focused on use of MPAs for protecting fisheries.
- b. The MPA plan should be revised to address the broad spectrum of MPA purposes, and should use the California Marine Life Protection Act goals (list provided) as a foundation for the Alaska MPA process.
- c. Plan revision must be accompanied by additional opportunities for stakeholder input.

14. Glacier Bay National Park and Preserve

- a. Supports efforts to investigate and establish MPAs in Alaska.
- b. Consumptive interests should not exert undue influence in the MPA process.
- c. Ability to revoke reserve status and habitat protections defeats the MPA purpose and may undermine the entire process.
- d. The NPA is concerned about habitat impacts of scallop dredging west of the coastline between Icy Point and Cape Fairweather.
- e. Suggests a 1-2 year proposal review cycle, instead of 3 year, but recognizes benefits of 3 year cycle to allow superior or better thought out proposals.
- f. Experimental control closures should not be too small.
- g. Suggests a target date (e.g., 5-10 years) and revision schedule be established for management plans.
- h. Provides further citations on genetic issues.

- i. Information as presented on cost estimates for the Glacier Bay compensation package is misleading.

15. Juneau Douglas Fish and Game Advisory Committee

- a. Recommends reformatting and rewording the definitions for MPAs
- b. Recommends that the public process include local Alaskan residents, advisory committees, and local stakeholders, and not allow outside environmental interests to dominate the process.
- c. Recommends that any proposed policy and decisions coming from the Board work session be provided for further review and comment.

16. Kandianis, Teressa (Kodiak Fish Company)

The report is missing all information on the Alaska scallop fishery and all the areas closed to scallop fishing full and part time. Offered to comment on that information if it was to be included prior to end of comment period (those changes were not made to the report in the comment period).

17. Marine Conservation Alliance

- a. Encourages Board's careful deliberation on the MPA issue.
- b. Offers general tenets:
 - i. MPAs can serve legitimate management objectives if they are scientifically justified, have clear goals, and incorporate monitoring.
 - ii. Scientific justification should be oriented towards reducing known adverse impacts. Alaska-specific data are needed on effectiveness of MPAs.
 - iii. State and federal regulators have ample authority to designate *de facto* MPAs, and these authorities should be considered in deliberations on limiting marine area use. The North Pacific already has a substantial network of protected areas in place. No new no-take reserves should be created until MPAs are properly defined and goals identified.
 - iv. Encourages establishment of MPA guidelines with a science-driven and transparent public process as is used in current state and federal fishery management.
- c. MPA definitions need more careful delineation.
- d. Some of the goals have too narrow a habitat focus that may be misdirected.
- e. Enhancing fishery yields is a laudable goal but many MPA plans call for TAC reductions.
- f. Affected community should not be defined as just local communities.
- g. More descriptions are needed of how scientific planning will be addressed.
- h. Needs analysis should be better defined as to how decisions will be made, and by whom.
- i. Focusing on hot-spots may result in closing the best fishing grounds.
- j. Site selection decisions require greater staff and expertise than may be available to the Board.

- k. Difficult to know effect of effort shifts resulting from closures.
- l. Stability is not an acceptable goal for depressed or new fisheries.
- m. There is no clear evidence demonstrating that corals and sponges promote greater biological diversity.
- n. Management plan will need scientific guidance.
- o. Lack of funding for the MPA process is a major concern.
- p. Encourages development of monitoring and evaluation plan with independent scientists participating.
- q. Much of the literature reviewed in Appendix II on MPA benefits is not applicable, so that positive conclusions are inappropriate. The Georges Bank scallop example is fraught with experimental error and the supposed benefits of closure to scallop production could be explained by other factors.
- r. MPA models are of little value in determining potential benefits.
- s. Costs of closures should include potential effects of higher bycatch and consumer surplus effects.
- t. Percentage-based goals (e.g., 20%) for reserve size are inappropriate, but if used, should take into account current *de facto* MPAs.
- u. Reserve network concept is dependent on larval dispersion patterns, which are almost unknown for Alaska.
- v. Coverage recommendations represent extreme views of some MPA advocates, and the discussion is too sketchy and should be discarded.

18. NANA Regional Corporation, Inc.

- a. A balance is needed between resource protection and development, in order for communities to grow and maintain an economic base.
- b. NANA and other arctic organizations (listed in letter) should be actively involved in MPA decision process, especially for Northwest Alaska.
- c. NANA is concerned with how MPAs would affect NANA lands and their development, as well as affects on communities and shareholders.

19. Native Village of Eyak Traditional Council

- a. Federally recognized Tribes are conspicuously absent from the report.
- b. The role of Tribes needs to be fully recognized in the report and the process, including in Appendix D and as regards culturally important sites.
- c. A cohesive process for tribal involvement is essential and could be modeled after the British Columbia example (guiding principles are listed in the letter).

20. The Ocean Conservancy

- a. Recommendations need to be more assertive; process and task force should be formalized to make permanent and to allow time to develop an MPA network in Alaska.
- b. Suggests more clear and consistent definitions of MPA types; MPAs should be defined as those with year-round protection, as in the federal definition.

- c. The focus of the report should be broadened beyond fisheries management to address other MPA issues so as to include greater stakeholder involvement, or, the report title should be changed.
- d. Numerous other specific comments, only a few summarized here:
 - i. Table proposals (e.g., #402) should be allowed to move forward.
 - ii. MPA task force should become the MPA review committee, and proposals should be allowed each year.
 - iii. Experts as well as stakeholders should be involved in the process, especially when there are biological objectives.
 - iv. Timely and expedient action is needed.
 - v. The needs analysis should be applied to all stocks with identifiable spawning and nursery areas, to all stocks with uncertain assessments, and to all stocks with uncertainties or difficulties in controlling exploitation rates.
 - vi. Needs analysis should prioritize the resources, habitats and ecosystems based on need for remediation and/or protection.
 - vii. Several suggestions on reserve site selection: threshold ecological criteria need clarification; reserves may improve social and economic stability, but may not be realized in the short-term; site selection should have a more objective basis than social and political acceptability.
 - viii. Reduction of fishing mortality is the most basic factor for generating benefits within reserves, and these benefits are highly likely for classes of fish or invertebrates with similar life histories (tropical relative to Alaskan).

21. Resource Development Council

- a. Uncomfortable with prospects for increasing the state's regulatory regime without identifying a clear need.
- b. What specific management need will a future MPA program address? The MPA task force and Board should identify this before continuing.
- c. What will be the costs to the fishing and non-fishing industries?

22. Scholz, Astrid

- a. Socioeconomic concerns are paramount with stakeholders and fishermen.
- b. It is important to obtain socioeconomic information early in the process.
- c. Socioeconomic models are now available.

23. Sloane, Scott – ADF&G, Commercial Fisheries Div., Region I

Questions remain regarding the monitoring effort: who does it, who pays for it, and who is responsible for keeping the data? Will funding be state or federal?

24. Southeast Alaska Fishermen's Alliance

- a. Clarify that marine reserves, marine fishery reserves, and protected marine habitats are subsets of MPAs, and that the latter 2 can be created by the Board, but marine reserves require legislative designation.
- b. Marine reserves are to be determined by local Alaskans and not outside interests. Local fish and game advisory committees could be the only vehicle for submitting proposals for marine reserves.
- c. Objects to relying on models developed elsewhere.
- d. Provide many opportunities for comment; do not rush the process.

25. Taylor, Senator Robin L.

- a. The board and the department appear to be extending their jurisdiction beyond constitutional and legislative authority.
- b. The board and the department should reconsider the MPA effort and re-prioritize the focus to solutions for an economically distressed commercial fishing industry.

26. Ugoretz, John – California Dept. of Fish & Game

- a. Provides edits on the review of the California MPA process.
- b. Questions the cited criticisms of the Merritt Island (Florida) study, suggesting that those criticisms were incorrect.
- c. Suggests looking at economic cost data for the Tortugas reserve (Florida), which were not as high as expected.

27. Wainwright, Nancy S.

- a. Suggests identifying predominant interests and impacts to marine resources in each geographic region of the state to facilitate creation of MPAs.
- b. Gives example of oil and gas on North Slope, and the relationship between discharges and/or diversion of river flow and fish migration.
- c. Suggests that tribal governments should be involved early in this process.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

*OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION*



TONY KNOWLES, GOVERNOR

*CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PHONE: (907) 465-3562
FAX: (907) 465-3075*

October 7, 2002

MPA Task Force
Attention: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

Dear Mr. Woodby:

Re: Marine Protected Areas in Alaska: Recommendations for a Public Process

Thank you for the opportunity to comment on the Report to the Alaska Board of Fisheries (Regional Information Report 5J02-08) regarding Marine Protected Areas in Alaska: Recommendations for a Public Process. The Division of Governmental Coordination (DGC) applauds the Department of Fish and Game for initiating and proposing the recommendations, and recognizes the substantial amount of work that has gone into the report.

The DGC has reviewed the report within the context of the Alaska Coastal Management Program (ACMP), and within the context of the statewide Marine Protected Area project DGC is tasked with. The DGC offers the following comments for your consideration.

Marine Protected Area definition

Within the purpose of this report, the recommendation, and the context of the Board of Fisheries authorities, the proposed definition of "marine protected areas" seems overly broad (page 4). In addition to the broad definition, several key terms within that definition remain undefined, including "special protections," "enhance," and the term "marine" in the title. Without providing further definition

or explanation of these key terms, the application and reach of the MPA effort is unclear.

Coordination other State Agencies

Recognizing the importance of this effort to the Department of Fish and Game and the Board of Fisheries, and the goal of protecting sensitive and important marine habitats, early consultation and coordination with other state agencies exercising authorities of the potential MPA's is paramount to the effort's success.

It is noted that many of the "potential" MPA's included in the report are coastal resource districts participating in the Alaska Coastal Management Program (ACMP). However, the administrating agency for the ACMP, the Division of Governmental Coordination, is not listed with the other state agencies identified under the coordination section (page 8). Also, it is not clear whether the report is incorporating the Alaska Coastal Management Program coastal resource districts and areas meriting special attention (page 71, page 74, and page 82).

Opportunity to Further Participate

The DGC would appreciate the opportunity to further discuss these comments, and to assist in the development of a statewide MPA effort and approach.

If you have any questions regarding these comments, please do not hesitate to contact me at (907) 465-8797, or by Email at randy_bates@gov.state.ak.us.

Sincerely,

/ s /

Randall W. Bates
Project Analyst

cc:
Kerry Howard – Acting Director, DGC
Janet Schempf – DFG
Fran Roche – DEC
Janet Burleson-Baxter – DNR

MEMORANDUM

STATE OF ALASKA

Department of Law

To: Frank Rue, Commissioner
Alaska Dep't of Fish & Game

Date: September 26, 2002

File No.: 661-02-0213

Thru: Lance B. Nelson *LBN*
Assistant Attorney General
Natural Resources – Anchorage

Tel. No.: 269-5232

Fax: 279-2834

From: Jon K. Goltz *JKG*
Assistant Attorney General
Natural Resources – Anchorage

Subject: Legal Review of Appendix D of
ADF&G Report "Marine
Protected Areas in Alaska"

This memorandum responds to your request for a legal review of Appendix D of the report "Marine Protected Areas in Alaska" published by the Alaska Department of Fish and Game (ADF&G) in July 2002. Our review leads to these conclusions: (1) the appendix reflects a legally sound approach to developing Marine Protected Areas (MPAs); (2) MPAs that create a "reserve" would require an enactment by the legislature; (3) MPAs that involve only fishing closures could be adopted by the Board without a legislative enactment; and (4) consideration should be given to how regulations governing an MPA would be modified after the MPA is created.

Because this memorandum involves analysis of the statutory authority of the Board of Fisheries, a copy is being sent to Diana Cote, Executive Director of the Board.

(1) The Report Reflects a Legally Sound Approach.

The Department of Law sees no significant errors or omissions in Appendix D of the report. The report provides a general overview of options for the development of marine protected areas, and Appendix D sets forth pertinent legal processes and authorities. This legal review, in accordance with the general nature of the report, is general in scope. It appears that the next step will be for the Department and the Board to consider a process or policy for evaluating specific MPA proposals. Further legal review will be advisable when more specific action is presented in the form of an MPA policy or specific MPA proposals.

RECEIVED

SEP 30 2002

DEPT. OF FISH & GAME
COMMISSIONER'S OFFICE

(2) A "Reserve" Created Under the Authority of AS 16.05.251(a)(1) Would Require an Enactment by the Legislature.

Alaska Statute 16.05.251(a)(1) says the Board of Fisheries may adopt regulations "setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature." That language is the subject of a 1995 informal attorney general opinion that sets forth the Department of Law's recommended interpretation. 1995 Inf. Op. Att'y Gen. (Aug. 16; 663-95-0363). In that opinion, we addressed two issues that are relevant here: the area over which the Board has jurisdiction to set apart reserves,¹ and what kind of approval is needed from the legislature.

We recommended in that opinion that the reference in AS 16.05.251(a)(1) to waters over which the Board of Fisheries has jurisdiction should be interpreted to mean public lands owned by the state, and marine waters extending to the edge of the territorial sea, that is, the three-mile limit. The reason for that interpretation is that the power to set aside reserves must be limited to those areas for which the state would have authority to withdraw land from the public domain and dedicate it to a specific use.

The other relevant issue addressed in the 1995 informal opinion is what approval is needed from the legislature when setting apart a reserve under AS 16.05.251(a)(1). We concluded that the legislature must approve the reserve by enacting legislation that grants the Board specific authority to adopt the reserve, or by enacting legislation that establishes the reserve by statute. We also concluded that the statute should not be interpreted as allowing the Board to adopt a reserve that could be extinguished by a legislative veto. Essentially, the Board's authority is limited to making a recommendation to the legislature.

In light of the need for a legislative enactment under AS 16.05.251(a)(1), probably the best procedure for setting apart a reserve would be for the Board to follow normal rule-making procedures but stop short of adopting a regulation. At that point, the Board would pursue approval from the legislature in the form of some type of enactment. The current MPA report appears to have been drafted with just this type of procedure in mind. Adoption of a regulation could then proceed if the legislature authorizes the Board to adopt a regulation setting apart a reserve. If the legislature establishes the recommended reserve by statute, then no regulatory action would be necessary.

¹ In this memo, "reserves" includes sanctuaries and refuges. There is no statutory definition of those terms as they are used in AS 16.05.251(a)(1).

- (3) Some Types of MPA's Could Be Adopted By the Board Without Approval of the Legislature.

The legislative approval requirement of AS 16.05.251(a)(1) creates an important distinction between the authority to set apart a fish reserve area and the Board's more familiar authority to restrict the taking of fish generally. The authority to set apart a reserve implies a power to regulate activities other than just the taking of fish in the reserve area. A regulation that involved only restrictions on taking fish in a specific area could likely be accomplished under the Board's authority to set closed seasons, closed areas, and zero harvest levels without relying on the authority to set apart fish reserve areas, sanctuaries and refuges. Similarly, an MPA intended to protect habitat from degradation caused by fishing gear could likely be accomplished under the Board's authority to regulate fishing gear and methods.

Any regulation that relied on a grant of authority other than AS 16.05.251(a)(1) would probably not be required to have approval of the legislature before becoming effective.² Of course, any action taken by the Board must serve the purpose of conserving and developing fishery resources of the state, no matter what grant of authority supports the particular action, because that is the purpose for which the Board was created. Given the scientific basis for reserves discussed in Appendix B of the report, it seems there would be little trouble building a record that shows a reasonable basis for concluding that an MPA serves conservation and development purposes.

We recommend that a process or policy adopted for the consideration of specific MPAs include criteria for determining whether legislative approval would be necessary. The most important criterion for making that determination is whether the restrictions for the proposed MPA are limited to activities over which the Board has regulatory authority independent of AS 16.05.251(a)(1).

² It might be argued that a "no take" area is essentially a reserve, which requires approval of the legislature. That interpretation is not likely, on our analysis, because it runs contrary to the principle that each part of a statute should be interpreted to have independent meaning. Accordingly, the authority in AS 16.05.251(a)(1) to set apart a reserve should be interpreted to involve something other than the authority to close an area to fishing, which is clearly set forth at AS 16.05.251(a)(2).

(4) Consideration Should be Given to How an MPA Would be Modified.

An MPA that involved only fishing restrictions, applied only to state waters, and was not subject to legislative approval could be modified in the course of the Board's normal regulatory process. But an MPA that involved restrictions on non-fishing activities, legislative approval, and areas subject to the jurisdiction of federal and local governments, could be much more difficult to modify in response to changing circumstances. We suggest that provisions for modification be considered as part of an MPA policy or as specific MPA proposals are developed. One possibility is for the Board, each time it seeks approval for a reserve from the legislature, to ask for a grant of authority to modify the reserve subject to specific criteria and limits. That would avoid the need to seek legislative approval for minor modifications to the MPA.

(5) Conclusion.

The MPA report points to entities other than ADF&G and the Board that might have jurisdiction over an MPA. The most obvious are the North Pacific Fishery Management Council and the National Marine Fisheries Service. Appendix D of the report contains a summary of the institutional structures in place for coordination between the Board and the Council. Less obvious, but also described in Appendix D, are the agencies that have statutory authority over non-fishing activities that might be restricted in a fishing area reserve, such as activities affecting water quality, timber development, and land use in areas served by local governments. The varieties of areas and activities that could be involved in an MPA make further legal review advisable when an MPA policy or specific proposals have been developed for consideration. The Department of Law will be available to review proposals for an MPA policy or specific MPA proposals as this process moves forward.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

- ☐ 400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886
- ☐ 550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

October 2, 2002

Mr. Doug Woodby
Marine Protected Areas Task Force
Alaska Department of Fish and Game
Commercial Fisheries Division
PO Box 25526
Juneau, Alaska 99801

Re: Marine Protected Areas Report

Dear Mr. Woodby:

Thank you for the opportunity to comment on the Department of Fish and Game's (F&G) report, Marine Protected Areas in Alaska. I appreciate the work that F&G has devoted to this task. Although Department of Natural Resources (DNR) staff were not involved in the development of the report, I'd like to offer the following general observations:

First, the report and recommendations "focus on marine reserves (areas closed to fishing)...(page 1). The goal of the report appears to be a focused review of "research addressing potential benefits marine reserves might offer to fish populations and to fisheries to conserve populations and promote sustainable fishing", (page 12). In order to attain this goal, the report references several authorities that are not related to fishing, specifically ACMP, Department of Environmental Conservation (DEC) authorities and various DNR authorities. Since these authorities are not under the purview of F&G or the Board of Fish and given that the focus of the report is fishing issues, it is unclear why these references are included.

Second, it is not clear whether the report is a response to the federal Marine Protected Areas (MPA) initiative or whether it is a response to fishing issues. Alaska's response to the federal MPA initiative should be based on a global state process and not one that focuses specifically on fishing issues.

Lastly, the report recognizes over "200 individual marine protected areas in 18 categories" in Alaska (page 71). The inventory provided in the report includes areas that are closed to fishing at some level, but then broadens the scope to include some, but not all, state marine parks and some, but not all, Areas Meriting Special Attention (AMSAs) that are created through the ACMP. I'd note that the statute providing for creation of marine parks specifically calls for the continuation of lawful existing uses of resources within the parks. Similarly AMSAs are not created with fishing

Mr. Doug Woodby
October 2, 2002
Page 2

restrictions in mind. Therefore, it is unclear why these areas are included in the report. It is also unclear whether the report simply assumes that these areas are MPAs or whether they could be considered as potential MPAs.

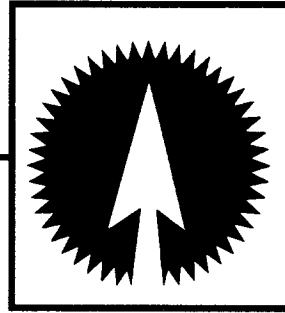
Thank you again for the opportunity to comment. DNR staff look forward to participating in Alaska's MPA effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Pourchot", written over the word "Sincerely,".

Pat Pourchot
Commissioner

Alaska Forest Association, Inc.



111 STEDMAN STREET, SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920
Web Site www.akforest.org

October 1, 2002

MPA Task Force
Attn. Doug Woodby
Alaska Department of Fish & Game
Division of Commercial Fisheries
P.O. Box 25526
Juneau, AK 99801

Dear Mr. Woodby:

Thank you for the opportunity to comment on your Marine Protected Areas proposal. Our Association supports reasonable habitat protection practices for all the fisheries; but, I cannot determine from the July 2002 Report to the Alaska Board of Fisheries if the proposal is reasonable, if it is necessary, or if there are alternative methods of achieving the same objective that might be less problematic. I also cannot determine how problematic the proposal will be for our timber industry. For instance:

- What will be the impact upon log transfer and storage operations around Alaska?
- What will be the impact on log raft towing operations?
- What will be the impact on camp barges, equipment barges and log barge activities?
- What will be the impact if any upon adjacent uplands activities?
- What will this program cost the State?

Please provide some more detailed information for us to study and consider before you go forward with this project. The last thing Alaska needs is another redundant layer of bureaucracy.

Sincerely,

Owen J. Graham
Executive Director



Alaska Marine Conservation Council

Box 101145 • Anchorage, Alaska 99510

(907) 277-5357 • (fax) 277-5975

amcc@akmarine.org • www.akmarine.org

September 27, 2002

MPA Task Force
ATTN: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

RE: Marine Protected Areas in Alaska

Dear Dr. Doug Woodby:

The Alaska Marine Conservation Council (AMCC) welcomes this opportunity to comment on the ADF&G report, "Marine Protected Areas in Alaska: Recommendations for a Public Process". It is clear that the MPA task force put a great amount of effort into preparing this document. AMCC appreciates the considerable work done by the MPA task force and that the ideas presented include goals for marine reserves in Alaska, scientific criteria for reserve site selection, and a process for public participation.

The state of Alaska is at a defining point in fisheries management as it considers using these new management tools, allowing for an integrated approach to conserving marine resources. Marine protected areas are becoming a well-documented tool for addressing declines in productivity, biological diversity and habitat damage. Over the past few years, many studies have examined the effectiveness of marine reserves; some of these studies were reviewed in the state MPA report. Many leading scientists support the use of marine reserves as a tool for managing the marine environment, as evident by the numerous scientific consensus statements and reports on the beneficial values of marine reserves¹.

I. Redefine terminology for Marine Protected Areas and Marine Reserves

AMCC's primary concern with this report is the complicated definitions that ambiguously intertwine marine reserves and marine protected areas, when in fact there is a clear distinction. The confusion is perpetuated throughout the report, making it unclear to the reader if the authors

¹ Such as: National Center for Ecological Analysis 2000. Scientific Consensus Statement on Marine Reserves and Marine Reserves and Marine Protected Areas.

NRC. 2001. Marine Protected Areas: tools for sustaining ocean ecosystems. Washington D.C., National Academy Press. 272p.

are discussing marine protected areas, marine reserves, marine fishery reserves or protected marine habitats. Public acceptance and understanding of these definitions is critical for the proposed process to succeed.

State MPA Paper Definitions:

1. Marine protected area (MPA) - a geographically defined area designated with special protections to enhance the management of marine resources. MPAs include the following three types:
2. Marine reserve - a geographically defined area where extraction of living resources and disturbance or destruction of habitats is prohibited.
3. Marine fishery reserve - a geographically defined area may be identified as a marine fishery reserve where extraction of specified fishery resources is prohibited. These should be named for the protected resource, e.g., rockfish reserve for a rockfish closure area. To date, the Board of Fisheries routinely designates closures of this type for single species; this designation would also apply to multiple species.
4. Protected marine habitat - a geographically defined area where habitat disturbance, including use of bottom contact fishing gear of specified types is prohibited.
5. Alaskan waters - those marine waters of Alaska including waters under the jurisdiction within 3 nautical miles of shore and those under federal jurisdiction out to 200 miles offshore.

Alaska Marine Conservation Council Proposed Revision:

1. Marine Protected Areas (MPA) include:
 - a. A geographically defined area with **year round** special protections where extraction of **specified fishery resources** is prohibited (For example, research control sites closed to the harvest of sea cucumbers and red sea urchins).
 - b. A geographically defined area with **year round** special protections where **habitat disturbance**, including use of bottom contact fishing gear of specified types is prohibited. (For example state water closures to bottom trawls or the Sitka Pinnacles).
2. Marine reserve - a geographically defined area where any extraction of living resources and disturbance or destruction of habitats is prohibited. Marine reserves are also referred to as "no-take zones". (For example no transit zones around Steller Sea Lion rookeries are de-facto marine reserves, yet subsistence harvest is not restricted in these areas. In waters under Alaska state jurisdiction, marine reserves must be designated by the Alaska legislature.)
3. Alaskan waters - those marine waters of Alaska including waters under state jurisdiction within 3 nautical miles of shore and those under federal jurisdiction out to 200 miles offshore.

Note: Throughout the State's paper, it should be clear what is being discussed at any one time. The terms "reserve" and "marine protected area" should not be interchangeable. This can be achieved by always referring to either MPA or MRV or MPA/MRV (if it refers to both).

Rationale for Proposed Revisions:

- There needs to be a clear distinction made between Marine Protected Area and Marine Reserve. It will be easier for the public to understand if there are just **two main categories**.
- The definition section of the paper is critical to an understanding of the issue and the paper. Definitions must be simple and absolutely clear to the public or what follows will be difficult to comprehend.
- The State's proposed definitions appear to confuse the definition of MPA and MRV. For example, as presently defined in the white paper, the Sitka Pinnacles would supposedly come under the definition of a marine fishery reserve, but they are neither a true reserve nor a no-take zone. Trolling and sport fishing are still allowed and only bottom gear is prohibited; the Sitka Pinnacles are, rather, a Marine Protected Area.
- It is confusing to create a special category for "protected marine habitat." The states "protected marine habitat" is really a marine protected area and is covered under 1(b) of the proposed revision.
- Up to 80% of marine protected areas around the world are protected in name only. The state of Alaska will be perpetuating the concept of "paper parks" by using a definition for marine protected areas that includes either seasonal protections or no protection at all.
- The proposed revisions will make it easier for the state to coordinate with the federal government's definitions under Executive Order 13158.

II. Rockfish Reserves:

The state MPA report mentions several times the potential benefits of marine protected areas for rockfish species. "Various Gulf of Alaska rockfish species may benefit from reserves because most are non-migratory as adults and have low population growth rates, making them prone to overfishing and serial depletion" (pg 19). AMCC supports the concept of creating rockfish reserves in the Gulf of Alaska and in the Aleutian Islands. We stress that reserves do not make areas outside of the reserves' boundaries a sacrifice zone and they must be implemented along with other traditional management tools.

Last year, the Alaska Board of Fisheries received proposal 402, that requested the establishment of a series of marine reserves to address localized depletions of Pelagic shelf, demersal shelf, and slope assemblages of rockfish. Due to the demonstrated concern for these species and the available science on the potential of reserves to benefit rockfish in Alaskan waters (Soh et al 2000), we feel that the State of Alaska should seriously consider this idea.

III. Comments on Process:

The Alaska Marine Conservation Council has continually stressed that the full involvement of coastal residents, fishermen, scientists, and other stakeholders should be involved in the identification, creation and management planning of marine reserves and protected areas. We

are in agreement with the recommended public process that calls for stakeholder involvement on all key elements of MPA planning.

The Board of Fisheries should adopt a clear policy for the establishment of marine protected areas. The Board should allow time for development of a comprehensive region-wide implementation program.

AMCC agrees that when evaluating marine areas for special protections, a needs analysis should be conducted. Then, when considering appropriate conservation measures, a combination of the approaches recommended by ADF&G should be used. We recommend taking “an incremental approach to provide protection to the most vulnerable and valuable areas and habitats with the highest conservation needs first” (pg 6 #2b) in conjunction with a more long-term goal of a “system of reserves and protected habitats that provides for connectivity (via larval transport or migration) and for full representation and protection of the types or marine habitats in each region of the state’s marine waters.” (Pg 6 #2d)

In regards to sensitive marine habitats, the state MPA report exclaims:

Fragile habitats that are subject to damage should receive priority for expedited review for potential designation as protected marine habitats. Eliminating use of some or all bottom contact gear types may, in some situations prevent damage to fragile marine habitats, including deep sea corals and sponges, which structurally enhance the diversity of habitats and promote greater biodiversity. (Pg 8)

While AMCC agrees with the need to protect sensitive marine habitats and a sense of urgency to do so, any “expedited review” must still include stakeholder input.

IV. Reserve Site Selection:

The criteria for reserve site selection, in conjunction with a needs analysis, appear to be appropriate for the long-term planning of a network of reserves and protected areas off the coast of Alaska. The needs analysis and the reserve site selection have many criteria. This will probably take many years, much effort and much money before any marine protected areas are implemented. AMCC stresses the importance of prioritizing known sensitive habitats. Sensitive habitats at risk to adverse human impacts may require more immediate attention.

Although this is not the sentiment expressed in the state MPA report, some managers and scientists have expressed reservations about having the public involved in reserve site selection. AMCC however, feels that *it is very important to have the full involvement of coastal residents, fishermen, scientists, and other stakeholders in reserve design*. The state MPA report adequately expresses this when stating, “It would be a mistake to assume that, just because these are scientific criteria, only scientists should be evaluating sites by the ecological criteria. ... Instead, Roberts et al. suggest that stakeholders be involved based on their knowledge of the resources and for stakeholders to be apprised of the importance of biological attributes for achieving the objectives” pg 25.

V. Management Plans for Reserves:

The state MPA report explains that management plans should be designed for marine reserves. AMCC agrees with this. Appropriate management plans should identify reserve goals and objectives and include sufficient funding for their monitoring, evaluation, and enforcement. It is unclear from the report, when discussing management plans for reserves (pg 9), if the state plans to include a community or tribal component in management. However later in the report, when reviewing case studies from other states, there is mention of the importance of community and tribal involvement at the management stage.

When discussing the state of Washington process to establish MPAs, the report states, "Perhaps most significantly, the state needs to coordinate planning and development with tribal authorities managing tribal fisheries. State and tribal co-managers are only beginning development of comprehensive, joint management goals, principles, and strategies to ensure conservation of groundfish in Puget Sound" (pg 52).

The report needs to clearly articulate that community and tribal involvement is an integral component of the management plans of marine reserves and marine protected areas. Additionally, AMCC supports allocation of the necessary state and federal funding for research on community involvement in and enforcement of marine reserves.

VI. Inventory of Marine Protected Areas in Alaska:

The state has provided an inventory of "marine protected areas" that currently exist in Alaska state and federal waters, based on the following definition:

"A marine protected area is a geographically defined area designated with special protections to enhance the management of marine resources."

Many of the areas included in the inventory do not provide sufficient protection to warrant the status of a marine protected area. Areas such as the Kachemak Bay National Estuarine Reserve carry no restrictions on human activities. The Chinook Salmon Savings areas are designed to reduce Chinook bycatch, but have to date never been closed to fishing activities. Areas that do not provide year round protection from some level of commercial activity such as fishing, oil and gas exploration, or ocean dumping are more adequately termed marine managed areas. By labeling all areas that are managed for one purpose or another as a marine protected area, the state is significantly diluting the intent of marine protected areas.

AMCC agrees with the purpose of this inventory: "to provide a comprehensive source of mapped regulatory restrictions to better inform the MPA decision making process..." (pg 71). However, we stress that it is misleading to call all the inventoried areas MPAs as was done in the report, because many of the inventoried areas do not provide lasting, year round protection for the biological and cultural resources (Executive Order 13158). Although some of these areas meet the definition of a marine protected area, there should be some evaluation of their effectiveness in meeting the objectives of their design. This evaluation should also consider any additional

benefits to the marine environment that might be afforded due to the implementation of current marine protected areas.

The ADF&G inventory is clearly only a preliminary display of managed areas. A few key areas are missing in this inventory, such as:

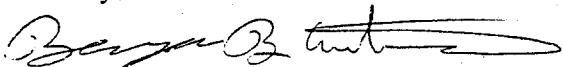
- The Pribilof Island Habitat Conservation Area: year round closure to trawling
- Kodiak Type I and II areas: year round and seasonal bottom trawl closures
- Nearshore Bristol Bay Closure Area: year round closure to trawling
- Cook Inlet Trawl Ban: year round closure to trawling
- Winter Herring Savings Area: a bycatch savings area
- C. Opilio Bycatch Limitation Zone

Last, Figure E10. "Bottom Trawl Closures in State Waters" is incorrect. The southeast Alaska bottom trawl closure (in federal waters) extends to 140° West longitude, not 144° west longitude as depicted in the map.

VII. Conclusion:

Thank you for beginning this process of establishing marine protected areas in Alaskan waters. The Alaska Marine Conservation Council looks forward to working with the state to make this program a success for communities, fishermen, and the marine ecosystem. Please be in touch if you have any questions regarding our comments.

Sincerely,



Ben Enticknap
Fisheries Project Coordinator

CC: Ed Dersham, Chair BOF
Diana Cote, Executive Director BOF

Halpern, B.S. 2002a. The impact of marine reserves: do reserves work and does size matter? *Ecol. Applic.*, in press.

Halpern, B.S. 2002b. Marine Reserves have rapid and lasting effects. *Ecology Letters*. 5: 361-366.

Soh, S., D.R. Gunderson and D.H. Ito. 2000. The potential role of marine reserves in the management of shortraker rockfish (*Sebastes borealis*) and rougheye rockfish (*S. Aleutians*) in the Gulf of Alaska. *Fisheries Bulletin*. 99: 168-179.

Subject: Marine protected areas

Date: Mon, 9 Sep 2002 10:25:57 -0800

From: "Gordon Brower" <Gordon.Brower@north-slope.org>

To: <MPA_program@fishgame.state.ak.us>

CC: "Harry Brower" <Harry.Brower@north-slope.org>,
"Charlie Brower" <cbrower_kaktovik@co.north-slope.ak.us>,
"Paul Bodfish" <paul.bodfish@ilisagvik.cc>,
"Terry Tagarook" <ttagarook@co.north-slope.ak.us>

Federal Subsistence Advisory Council Member North Slope Region 10
Gordon Brower

I am concerned to the decline of subsistence harvested fish in rivers that we hear about in the Yukon, Kuskokwim and other rivers. A lot of concern to marine offshore activities which we believe is the problem to very low returning fish, such as over harvesting by commercial fisheries. A closer look at offshore protected habitats for life cycle recruitment of returning spawners is an area to better manage inflow of anadromous fish. Exclusion zones restricted from commercial harvesting, areas around the perimeter of river deltas and estuaries of 5 miles or more to recruit rivers of what is left over from offshore intercepts and near shore commercial harvesting. Remember the more fish get up the rivers the more fish will be produced and more fish to try to return. Subsistence fishing is an area that should be fully protected to prevent loss of traditional practices, life-safety issues to prevent hunger in economically depressed villages, which depend on a viable fish stocks to sustain traditional economic factors of villages. These should be part of a protected system over and above personnel use, sport fishing, commercial fishing and offshore whole sale capture of entire schools. With these in mind you will save our fish and rivers, you will save our people from starvation. its that important.

Gordon Brower

September 29, 2002

Board of Fisheries
PO Box 25526
Juneau, AK 99802-5526

Dear Board Members,

Subject: Marine Protected Areas in Alaska

I am opposed to creating more MPA's .

The Board of Fish has established management plans for areas and species. The primary propose of these plans is to protect the resource and habitat.

Most of the state of Alaska west of the panhandle is so remote that it is impossible to over harvest a specific area with the conservative nature of the Department of Fish and Game and the Board. The state is divided into statistical harvest areas so the Department can monitor and the Board can regulate to insure that specific area depletion will not occur. We are presently using methods and means as well as restricting time and effort to prevent over harvest and to preserve the biological communities as well as the habitat.

More and more unnecessarily restrictive regulations passed are being passed. The small boat fleet has been severely effected. We are scratching in every fishery possible to keep our heads above water and stay viable. Because of the operating expense of the VMS, this requirement will eliminate duly licensed vessels from prosecuting fisheries to which they are entitled. If any more MPA's are created it will have a similar results eliminating more jobs and have a negative impact on already economically depressed areas of the state.

Don N. Bunker
PO Box 604
Anchor Point, AK 99556
Ph. 907-235-6935



CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-9983

October 1, 2002

Doug Woodby, MPA Task Force
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

Dear Mr. Woodby,

On behalf of the Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council), I would like to take this opportunity to comment on the document entitled "Marine Protected Areas in Alaska: Recommendations for a Public Process".

Executive Order 13158 directs federal agencies to strengthen and expand a national system of Marine Protected Areas (MPAs) by working with states, Tribes, local and other stakeholders. In addition, states and Tribes are specifically pointed as having authorities to establish and manage MPAs in the Executive Order.

I recommend your report to the Alaska Board of Fisheries be strengthened by incorporating language specifically calling for coordination with federally recognized Tribes in Alaska. Tribal involvement should be specifically mentioned in the following sections:

1. Public Involvement Process, item 1. Identify Tribes, as well as stakeholders, to solicit their involvement. Tribes should be represented on the statewide advisory group or panel.
2. Reserve Site Selection, item 2. Interdisciplinary forum should include Tribes, along with scientists, specialists and stakeholders.
3. Reserve Site Selection, item 4, 5, or 6. These sections deal with reserve criteria in three tiers. Traditional Ecological Knowledge of historic fisheries and current traditional use of Alaska Natives should be included to help document longer-term fish use patterns in Alaska. This information should supplement the scientific ecological criteria you are currently planning to use.

Including this language would be in accordance with both the "Millennium Agreement between the Federally Recognized Sovereign Tribes of Alaska and the State of Alaska" and the Alaska Department of Fish and Game and Alaska Boards of Fisheries and Game "Policy on Government-to-Government Relations with Federally Recognized Tribes of Alaska".

It is not unprecedented to include Tribes in your MPA process. Appendices in your document describe examples of where the federal government will be coordinating with Tribes in their national effort of addressing MPAs. In addition, the State of Washington has set out to co-manage MPA's with Tribes on the Puget Sound and British Columbia has cited instances where they have coordinated and involve First Nations in their process.

I appreciate your consideration of including language to coordinate with Tribes in your Marine Protected Areas in Alaska: Recommendations for a Public Process. If you have any questions, please contact Cathy Needham, Environmental Planner at 463-7187.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward K. Thomas". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

Edward K. Thomas
President



October 2, 2002

Mr. Doug Woodby, Chair
MPA Task Force
Alaska Department of Fish and Game
Division of Commercial Fisheries
P.O. Box 25526
Juneau, AK 99801

Re: Marine Protected Areas in Alaska — Recommendations for a Public Process

Dear Mr. Woodby:

Via email (MPA_program@fishgame.state.ak.us) and U.S. Mail

Dear Mr. Woodby::

These comments on the above-referenced public process recommendations for Marine Protected Areas ("MPA's") are submitted on behalf of Chugach Alaska Corporation ("Chugach"), the Alaska Native Regional Corporation for the Chugach region established pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. § 1601, *et seq.* ("ANCSA"). Chugach owns or has valid selection rights to over 927,000 acres of surface estate, subsurface estate and oil and gas rights, of which a large majority is immediately adjacent to tidewater. In addition to ANCSA, Chugach's rights with respect to its lands are governed by the Alaska National Interest Lands Conservation Act of 1980, 16 U.S.C. § 3101, *et seq.* ("ANILCA"), and the 1982 Chugach Natives, Incorporated Settlement Agreement ("1982 CNI Settlement").

Many of Chugach's economically viable lands are adjacent to or require access from the waters of Prince William Sound or the Gulf of Alaska. When applied to the Chugach Region, the potential for MPA designation to facilitate efforts to frustrate or impair Chugach's access to its land and Chugach's ability to utilize tidelands for resource transfer facilities and other infrastructure required for the economic enjoyment of our lands is abundantly clear. For this reason, it is imperative that the MPA selection and designation process include Chugach and other ANCSA corporations at the table early in the process to the extent that such designations may impact upland uses and subsistence practices.

While it is commendable that the ADF&G has taken the initiative to develop a public process for establishment of MPAs in Alaska, we must caution the task force that the effectiveness of MPAs in Alaska cannot be predicated on successes or failures elsewhere. Alaska marine ecosystems cannot be compared to tropical marine ecosystems, or North Atlantic ecosystems for that matter.

The basis for establishment of MPAs in Alaska must come from scientific knowledge of North Pacific marine ecosystems and the species that inhabit them. Such knowledge is sorely lacking in many waters of the state. It is our opinion, therefore, that the first and longest step in the establishment of MPA's in Alaska is the design and implementation of a comprehensive study of AK waters suitable for making wise choices about location and size of MPA's here. Since one half of all fish and shellfish landings in the US come from Alaska waters, any new designations, particularly no-take marine reserves, will have a significant effect on the commercial fishing community as well as the state economy. New designations should be made only after the science is in place to justify such designations.

It is our fear that nominations for MPA's will be based, not on sound science, but rather on the "wish lists" of environmental groups who view this process as another tool for closing all of Alaska to all commercial activities. For instance, the National Wildlife Federation recently published a document titled "Prince William Sound; Biological Hotspots Workshop Report" which identifies 14 "Hot Spots" based on the opinions of the January, 2001 one day workshop attendees. Hotspots were ranked based on a vote of the attendees. While the ADF&G task force was not formed until November 2001, we cannot help but think that the National Wildlife Federation held this workshop in anticipation of MPA designations as directed through executive Order 13158.

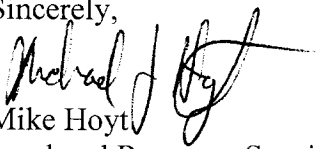
The MPA Task Force report lists over 200 individual marine protected areas in 18 different categories administered by nine state and federal agencies under various programs. This inventory does not include the essential fish habitat (EFH) and habitat areas of particular concern (HAPC) programs currently being drafted by the North Pacific Fisheries Management Council (NPFMC). What percentage of Alaska waters do the current protected areas represent? How many additional acres of marine waters will fall under the new programs being developed by the NPFMC? Will the MPA designation replace current designations in Alaska waters or will it simply be another level of protection?

The Task Force Report acknowledged that funding for scientific and management planning aspects of the MPA program has not been secured. It is essential that no designations be made until sufficient scientific analysis has been conducted, even if it means missed timelines. The baseline data is a very necessary first step to any new designations.

In conclusion, we urge the task force to define the scientific analysis required to justify establishment of MPA's in Alaska, given the lack of knowledge of their potential effect here. We also urge the task force to secure the funding required for such in analysis prior to moving further into the designation process. We also ask that process stakeholders include ANCSA corporations dependent on tidelands for upland access as well as marine waters for subsistence activities.

Thank you for the opportunity to comment on this very important issue. We look forward to working with the MPA Task Force and the Board of Fisheries as this process develops. A well-designed MPA program will become an important management tool for the State only if it is designed properly and achieves the desired goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Hoyt", with a long horizontal flourish extending to the right.

Mike Hoyt
Land and Resource Specialist

THE CONSERVATION FUND

BRAD A. MEIKLEJOHN
ALASKA REPRESENTATIVE
9850 HILAND ROAD
EAGLE RIVER, ALASKA 99577
(907) 694-9060
FAX (907) 694-9070

September 16, 2002

MPA Task Force
ATTN: Doug Woodby
AK Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, Alaska 99801

RE: Marine Protected Areas in Alaska

Dear Members of the MPA Task Force,

I was surprised and pleased to encounter your report to the Alaska Board of Fisheries, "Marine Protected Areas in Alaska: Recommendations for a Public Process." Thank you for taking up this important work, and for the thoughtful and thorough discussion of the subject. I certainly hope that your work leads to the eventual creation of a network of marine protected areas in Alaska.

I have enclosed here a copy on an op-ed by Dr. Sylvia Earle and me and published in the Anchorage Daily News. I ask that you include this piece in the comment record so that I don't have to reiterate the points made there.

I have a few comments on your document. The 2nd paragraph on page 26 starts with the sentence "Reserves can't be too small," implying that smaller is better. This sentence should correctly read "Reserves **can** be too small." Further on size, I encourage you to think at a much greater scale than the "few kilometers to 10's of kilometers" recommended by Roberts et al. (2001). On land we have parks and refuges up to 30,000 square miles in size (i.e.; Arctic National Wildlife Refuge). What evidence do we have that reserves should be smaller in the oceans than they are on land?

The last sentence in the first paragraph on page 28 implies that marine use patterns will be greatly disrupted if reserves are overly-large. Someone's ox (or halibut) will be gored in the process of creating an effective marine reserve system. I don't think the size and location of marine protected areas should be a function of how much pain they might cause. Of course there will be a huge outcry from certain sectors, much as there was during the d-2 process. But just as the protected areas created under ANILCA have proven to be an economic boon for Alaska, I predict the long-term benefits of an expansive marine conservation system will far outstrip the short-term benefits to those who will be displaced.

I am dismayed that throughout the document the main rationale for marine protected areas is that they enhance commercial fisheries in surrounding waters. This is a bit like arguing that the primary benefit of Denali National Park is that it produces bigger moose for hunters in Cantwell and Healy. One of the main reasons we need marine parks, marine refuges, and marine wilderness areas is to provide places where ocean life can proceed on its own terms without the dominating and manipulating influences of humanity.

Thanks for launching what promises to be a lengthy discussion about marine protected areas in Alaska. I certainly hope that one day Alaska will boast of a marine conservation system to match our world-class terrestrial conservation system.

Sincerely,

Brad Meiklejohn
Alaska Representative

Enclosure

Alaska must protect sea life as it does wildlife

By BRAD MEIKLEJOHN
and Dr. SYLVIA EARLE

Alaska's marine waters are the envy of the world. The herds of sea lions, rafts of puffins and pods of killer whales that you see from a boat are just the tip of an incredible marine wonderland. Stick your head underwater sometime to glimpse a realm teeming with wild critters — weather vane scallops, thornyhead rockfish, starry flounder, giant grenadier, decorator crab and pinto abalone — along with vast schools of salmon, herring and cod.

The oceans are engines that drive Alaska's ecology and economy. They nourish our famous bears and eagles and nurture our giant coastal rain forests. The oceans sustain us with red salmon from the Copper River, bowhead whales taken at Barrow and clams dug at Clam Gulch. Alaska's waters provide the most lucrative commercial fisheries in the world for pollock, crab, cod, salmon and halibut. And each summer, hundreds of thousands of visitors come from around the world to marvel at Alaska's pristine seas and abundant sea life from the decks of cruise ships.

The abundance of marine life is what sets Alaska's waters apart from other regions of the world. You can travel the coasts of Chile,



Japan or Norway for months and see less wildlife than during a half day in Glacier Bay, Kenai Fjords or Prince William Sound. Alaska's marine environment is still largely intact, and that is precious and rare.

Yet Alaska is not immune to the problems that have decimated the world's oceans. Signs of stress in our marine environment are growing. In recent years we have seen serious declines in beluga whales, Steller sea lions, short-tailed albatross, harbor seals and eiders. We've had salmon runs go missing in Bristol Bay, and herring shows in Prince William Sound. Giant red king crab, once the pride of Kodiak, have been reduced largely to legend. Oceans around the world have seen bounty quickly give way to scarcity, and Alaska's oceans are no less vulnerable.

Why have we have done so much to protect Alaska's land-based creatures, but so little for those animals that live in the sea? We have set aside roughly 40 percent of our land area in the world's finest network of parks and refuges, yet less than 0.1

percent of Alaska's state and federal marine waters are dedicated to wildlife conservation. Because of our vast, protected wild lands we have very few endangered species on land. In contrast, the majority of Alaska's serious conservation problems and threatened and endangered species are in our oceans.

The principles of conservation that have worked so well on land should be applied to Alaska's oceans. We know the best way to protect wildlife is to protect wildlife habitat, whether on land or at sea. To effectively conserve sea life in Alaska, we should move quickly to establish a system of marine habitat reserves while our seas are still in good shape.

A network of marine reserves or sanctuaries should encompass the full variety of marine habitats and ecosystems in Alaska. Formal protection should be given not only to small, unique sites such as seamounts, corals and crab beds but also to large areas representative of broad ocean regions. Levels of protection in the reserve network should range from no-take sanctuaries closed to commercial exploitation to multiple-use reserves where compatible activities are encouraged.

While the purpose of a marine re-

serve system is conservation of wildlife, research indicates that marine sanctuaries complement commercial fishing by exporting fish to the surrounding waters. Marine sanctuaries also benefit fisheries management and scientific research by providing unexploited control areas. Other benefits are nonconsumptive uses such as whale-watching, which at Stellwagen Bank Sanctuary in Massachusetts brings in annual revenues exceeding \$100 million.

An Alaska network of marine reserves should be carefully designed by top scientists. The North Pacific Fishery Management Council is required to identify essential fish habitat in federal waters off Alaska. Similar work should be done in state-managed waters, and once identified, these habitat areas should be formally protected and managed primarily for their conservation values.

What we are proposing is not new. More than 1,200 marine parks and sanctuaries have been established worldwide, including 12 in the United States. Australia's Great Barrier Reef Marine Park encompasses 86 million acres, while nearby New Zealand has set a goal of protecting 10 percent of its marine waters before 2000. More than 200

scientific papers have documented the effectiveness of marine reserves, and top researchers now call for the protection of at least 20 percent of the world's marine waters.

Here in Alaska, a few pieces of an effective marine network are in place, with the Alaska Maritime National Wildlife Refuge, Copper River Delta State Critical Habitat Area, Glacier Bay National Park, Kachemak Bay National Estuarine Research Reserve and Walrus Island State Game Sanctuary. These areas should form the nucleus of a world-class marine reserve network that rivals Alaska's land-based conservation system.

The oceans and the creatures of the sea belong to everyone and to no one. Alaska's marine realm is a global treasure, and we should take prudent action to ensure its long-term health. By protecting Alaska's oceans, we will bank an ecological asset that will yield high dividends for generations of people, and fish, to come.

□ Brad Meiklejohn is Alaska representative for The Conservation Fund. Dr. Sylvia Earle is explorer-in-residence at the National Geographic Society and former chief scientist for the National Oceanographic and Atmospheric Administration.



COOK • INLET • KEEPER

VIA EMAIL ONLY

October 2, 2002

Doug Woodby, Chair
MPA Task Force
Alaska Department of Fish and Game
Division of Commercial Fisheries
P.O. Box 25526
Juneau, AK 99801

Re: MPA Task Force Report

Dear Mr. Woodby:

I. Introduction

Cook Inlet Keeper is a citizen-supported nonprofit organization dedicated to protecting the Cook Inlet watershed and the life it sustains. Please accept these comments on behalf of Keeper's 500+ members in the Cook Inlet region on the draft MPA Task Force Report to the Alaska Board of Fisheries.

II. Comments

Keeper strongly supports the concept of MPAs to better protect existing and projected uses of Alaska's productive marine resources, and we appreciate the considerable work of the MPA Task Force to begin this important discussion. Alaska has been a recognized leader in fish management and oceans protection, and Keeper feels this effort can compliment past efforts to promote truly sustainable fisheries through the foreseeable future.

The Task Force Report focuses almost exclusively on fisheries and fishing practices, and Keeper agrees these issues warrant prominent inclusion in any MPA effort initiated in the state. Additionally, however, Keeper believes ample scientific information exists to justify the inclusion of a broader range of uses and activities in an MPA program. Specifically, Keeper believes pollution and coastal habitat protection play important complimentary roles to effective fish management strategies, and should be included in any submission to the Board of Fisheries.

Clearly, fishing poses the fastest and most direct, long term impact to fish survivorship. Yet acute and chronic pollution, coupled with nearshore and coastal watershed habitat destruction, also play a role. For example, research by scientists with the NMFS Auk Bay Laboratory has revealed that polycyclic aromatic hydrocarbons (PAH) are considerably more toxic to juvenile pink salmon than previously thought. Perhaps more importantly, this research has found that chronic toxicity pathways – and not traditional acute routes upon which most modern legal standards are based – can have profound effects on fisheries at the population level.

Additionally, anyone with their thumb on the pulse of Alaska coastal management issues knows we are experiencing the same “death by a thousand cuts” degradation in our coastal watersheds as we have seen time and again in the Lower 48. And because a large percentage of fisheries spend at least some time in nearshore areas where they are susceptible to nonpoint source pollution, sedimentation and other disturbances, it makes sense to include them in an MPA formula. We have a chance to reverse this trend in Alaska, but that window is rapidly closing.

III. Conclusion

Please do not interpret the brevity of these remarks to reflect our level of concern for this issue. We feel strongly about protecting fisheries, and we feel pollution controls and coastal watershed protection should play an active role in any holistic MPA effort to do so.

Thank you for your attention to this matter and please feel free to contact me at (907) 235-4068 or bob@inletkeeper.org if we can provide additional support or information.

Very truly yours,

/s/

Bob Shavelson
Cook Inlet Keeper

September 16, 2002

Doug Woodby
Dept. of Fish & Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, Alaska 99801

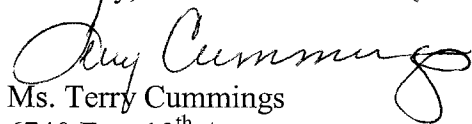
RE: Marine Protected Areas in Alaska – Recommendations for a Public Process

Good Day:

I am in favor of setting up marine protected areas in Alaskan waters. I believe this is a very important goal in safeguarding the many varieties of plant and animal life found in our waters and this would be a much needed step in the right direction. Setting up preserves would not only protect the resources but would ensure that there would be diverse populations of these species for generation to come.

Thank you for the opportunity to comment on this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Cummings", with a stylized, flowing script.

Ms. Terry Cummings
6740 East 10th Avenue
Anchorage, Alaska 99504



October 2, 2002

VIA FAX AND FIRST CLASS MAIL

Doug Woodby, MPA Task Force
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

**RE: DRAFT REPORT FOR MARINE PROTECTED AREAS IN
ALASKA**

Dear Mr. Woodby:

Defenders of Wildlife (Defenders) appreciate this opportunity to comment on the Report to the Alaska Board of Fisheries on Recommendations for Marine Protected Areas (MPAs) in Alaska (Report). Defenders, established in 1947, is a national non-profit organization dedicated to the protection of all native wild animals and plants in their natural communities. Defenders focuses its programs on what scientists consider two of the most serious environmental threats to our planet: the accelerating rate of species extinction and associated loss of biological diversity, and habitat alteration and destruction. Long known for its leadership role on endangered species issues, Defenders also advocates new approaches to wildlife conservation that will help prevent species from becoming endangered. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health. Defenders has over 400,000 members and supporters and an additional one half million electronic activists nationwide.

In addition, Defenders is one of the leading environmental organizations working to defend and improve the management of the National Wildlife Refuge system. We are also engaged in a number of marine related efforts including participation in a number of marine coalitions such as the Ocean Wilderness Network (OWN) whose goals are to support and create a network of marine reserves that will help restore, enhance and protect the biodiversity and abundance of marine life and underwater habitats along the west coast of the United States, and the Marine Fish Conservation Network, which consists of environmental groups and fishing groups alike and aims to conserve marine fish and to promote their long-term sustainability.

National Headquarters
1101 Fourteenth Street, N.W.
Suite 1400
Washington, D.C. 20005
Telephone: 202-682-9400
Fax: 202-682-1331
www.defenders.org
www.kidsplanet.org

We commend the Alaska Department of Fish and Game (ADFG) for the hard work and efforts that went into preparing the Report. We believe the creation of this document is a critical first step in establishing the value of MPAs in Alaska. In addition, the Report did a good job in Appendix C of outlining MPA processes in other jurisdictions. We especially identify with the reference to the MPA process in California to adopt regulations that will establish a network of MPAs within the boundaries of the Channel Islands National Marine Sanctuary (CINMS) and the statewide process guided by the Marine Life Protection Act (MLPA) to establish a series of MPAs throughout California. Defenders is very involved in providing comments, attending workshops, and participating in coalitions such as OWN and COOL (Coalition of Organizations for Ocean Life) for both of these California processes. We have included our comments on the Draft Environmental Document for the CINMS process as an attachment.

As the California MPA process has moved along, there has been considerable media attention and reference to scientific reports that demonstrate the multiple benefits of MPAs. In addition, the MPA legislation is designed to increase biodiversity, protect and increase the abundance of a variety of marine life in addition to fish, and protect representative and unique marine life habitats for their intrinsic value and to provide for the continued and increased protection of these valuable marine areas. While we acknowledge that MPAs are important to protect fisheries, we believe that any MPA plan should address the broad spectrum of purposes of MPAs. This coincides with the goals of the Marine Life Protection Act (MLPA), which guides the California MPA process and should be used as a foundation in creating the Alaska MPA process:

- Protect the natural diversity and abundance of marine life and the structure, function, and integrity of marine ecosystems;
- Help to sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;
- Improve recreational, educational, and study opportunities and manages these uses in a manner consistent with protecting biodiversity;
- Protect representative and unique marine life habitats in California waters for their intrinsic value.¹

Our review of the Report finds that it is too heavily focused on the use of MPAs as a tool for fisheries management rather than the intended primary purpose of increasing biodiversity. This is disappointing as the intent of the MPA legislation acknowledges the abundant scientific evidence previously mentioned and additional benefits which include excluding oil and gas exploration and development, protection of endangered species, and improvements in water quality issues, to name just a few.

More specifically, our criticism of the plan is that, as currently set up, the Alaska MPA process outlined in the report is a fishery process administered by the Board of Fisheries. By ignoring

¹ CA Fish and Game Code §2853(b)

Mr. Doug Woodby
Page 3 of 3
October 2, 2002

the other purposes of MPAs and limiting the strategy of the Report to fisheries recovery and management, the process is falling considerably short in its goal of increasing biodiversity, and therefore is diluting the full potential of MPAs. Defenders believes the Report would be more complete and significantly improved by including these broad range of benefits gained from the establishment of a network of MPAs. Piecemealing of MPAs by different jurisdictions, which is the current plan in Alaska, can only lead to stakeholder confusion.

In conclusion, Defenders recommends that serious revisions to the plan are needed to address the full scope of MPAs. Such revisions must be accompanied by providing additional opportunities for public comment and stakeholder input. As we have seen in California, the process is laborious, complex and requires various stages at which the public and affected stakeholders can provide input.

In addition to these comments, we also incorporate by reference the comments of The Ocean Conservancy. We request that as this process unfolds that there be further opportunities to provide comments on specific sites being considered for MPA designation and that we be notified of such opportunities. We appreciate this opportunity to comment and hope that this is only the first in a series of opportunities to provide input into this very critical plan.

Sincerely,

A handwritten signature in black ink that reads "Jim Curland". The signature is written in a cursive, flowing style.

Jim Curland, Marine Program Associate

Cc: Governor Tony Knowles
Commissioner Frank Rue, **Alaska Department of Fish and Game**
Martin Robards, **The Ocean Conservancy**



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Glacier Bay National Park and Preserve

P.O. Box 140

Gustavus, Alaska 99826-0140

N1619B

September 30, 2002

Marine Protected Areas Task Force
Doug Woodby
Alaska Department of Fish and Game
Division of Commercial Fisheries
Post Office Box 25526
Juneau, Alaska 99801

Dear Mr. Woodby

The National Park Service (NPS) appreciates the opportunity to comment on the Alaska Department of Fish and Game (ADF&G) Report to the Alaska Board of Fisheries titled "Marine Protected Areas in Alaska: Recommendations for a Public Process". The NPS supports and applauds the ADF&G's efforts to investigate and establish Marine Protected Areas within Alaska. By virtue of its National Park status alone and NPS's jurisdiction of the marine waters of Glacier Bay National Park (GLBA), GLBA marine waters constitute by definition a "marine protected area". Within the park, five areas totaling 74 square miles are designated marine wilderness waters (all are closed to commercial fishing, and four are additionally managed as motorless waters during the summer visitor season). Non-motorized waters likely receive little, if any, sport fishing pressure. In addition to the designated wilderness waters, 96 square miles of non-wilderness waters are also closed to commercial fishing.

The NPS is also supportive and pleased that the ADF&G recognize the need for "maintenance of pristine ecosystem structure and function." Although not explicitly stated, this mandate is captured within the NPS' own Organic Act.

With this in mind, we feel strongly that consumptive interests not exert undue influence in this process. Given the state's sustained yield mandate it is not yet clear how the Department will legally and feasibly establish Marine Protected Areas that will be subject to legislative approval (See Appendix A). True MPAs in the strictest sense should not allow resource extraction and, once established, should not allow exemptions from this restriction or termination of protected status. The NPS would argue that the ability to terminate reserve status or revoke habitat protection (P. 6, Item 2c) defeats the Marine Protected Areas purpose and could perhaps undermine the entire process. This idea could have merit in some situations (*i.e.*, rebuilding of stocks, habitat rehabilitation, *etc.*) that would need to be identified up front.

The report refers to recommendations specifically directed at protection of marine habitats, particularly those subject to damage by bottom contact fishing gear (see P. 1, para. 4; P. 6, Item 1e and f; and P. 8 Sensitive Areas; see also P. 4. Item 4: Protected marine habitats). The NPS has continued concerns about impacts to target and other species as well as benthic habitats caused by the weathervane scallop dredge fishery occurring in park waters (up to 3 miles offshore) west of the coastline between Icy Point and Cape Fairweather. We would appreciate Departmental

support in better understanding this fishery and in evaluating short and long-term impacts on target species, bycatch and benthic habitat.

Under the Public Involvement Process (See Page 5, Item 3), the task force suggests a 3-year Board review cycle for Marine Protected Area proposals. We believe that the constraint of a 3 year cycle may limit the number of Marine Protected Area proposals over time. We suggest a shorter review cycle of 1-2 years. We recognize that implementation concerns must also be considered and that the proposed longer 3-year period could result in superior or better thought out proposals.

Under Experimental Controls (See Page 8, 1st paragraph) the NPS is concerned that limiting the size of control areas to that which can be sampled in a statistically valid manner may predispose Marine Protected Area's to failure. For example, sampling constraints for certain widely ranging species could dictate establishment of Marine Protected Area's that are too small or inappropriately configured to effectively protect these species during a significant proportion of their lifetime.

We also suggest that the ADF&G develop a target date (e.g., 5-10 years) and revision schedule for management plans as discussed under the section titled "Guidelines for Management Plans for Reserves" (See Page 9).

Also on Page 9 (See Item 5 "Monitoring and Evaluation") the NPS suggests use of independent scientific personnel for monitoring effectiveness wherever possible. If the evaluation of Marine Protected Area effectiveness can not be feasibly completed by outside researchers, one solution for addressing this issue could be a peer-review panel or publication.

Our specific comments on Appendix B: The Scientific Basis for Reserves is as follows:

On Page 14, 1st para. under *Genetic Benefits*. See also:

Conover, D.O. and S.B. Munch. 2002. Sustaining fisheries yields over evolutionary time scales. *Science* 297:94-96.

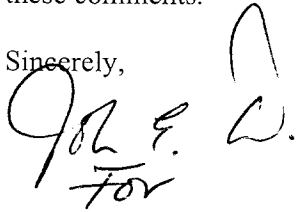
Sutherland, W.J. 1990. Evolution and fisheries. *Nature* 344:814-815.

On Page 28, first bullet under *Summary and Conclusions* we suggest the last sentence is changed to "These results are *significant* despite..."

The NPS believes that the information on Page 29, under the second bullet that starts with "Costs to the fishing industry..." is somewhat misleading because it does not disclose societal costs to the other fisheries that were also included in this estimate. The estimate provided here (\$29 million) also includes impacts to other fisheries (e.g., king crab and groundfish) and fishermen failing to qualify for lifetime access permits in Glacier Bay proper, as well as other individuals and components of the industry affected by the closure. Please feel free to contact Ron Dick at the NPS Commercial Fisheries Compensation office in Juneau at 586-7407 for additional information related to this closure.

We would like to thank you again for the opportunity to comment on this important process. Feel free to contact my office at (907) 697-2322 if you have any questions or concerns relating to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tomie Lee". The signature is stylized, with a large "T" and "L".

Tomie Lee
Superintendent

Cc: Rob Arnberger, Regional Director, National Park Service
Regina Sleater, Solicitor, Department of Interior
Jed Davis, Assistant Superintendent, Glacier Bay National Park and Preserve
Chad Soiseth, Fisheries Biologist, Glacier Bay National Park and Preserve

Juneau Douglas Fish and Game Advisory Committee
Sept 19, 2002

Members Present: Bob Cartmill, Paula Terrel, Eric Norman, Linnea Osborne, Dave Hansen, Frank Fink, Nick Yurko, Jim Welch, Albie Morin, David McKenna and Kathy Hansen

Public: Tom Gemmell, UFA; Doug McBride; Brian Glynn; ADFG; Art Hughes, Board Support; Dale Kelley, ATA;

Meeting called to order at 6:35 pm. Members of the public were introduced. Presentation was given by Doug Woodby - ADFG. Purpose of the task force, what to advise to Board of Fish on public process for MPA's. Doug stressed that this report focused mainly on fishery reserves and not MPA's.

Questions were raised regarding definitions used and a recommendation was made to stress "Alaskan" local public feedback and impacts. Marine fishery reserve verses Marine Reserve – better definitions needed. Only legislature can create a refuge or Marine Reserve. The BOF can create a Marine Fishery Reserve.

Question was raised as to why this was being done and why fast tracked. Discussion took place as to Federal issues and state action.

Question was raised on whether large vessel could be prevented from transiting marine reserves. - Yes

Question was raised if Marine reserves need to go through the Coastal zone management program. - Yes

Comments were made by several committee members that they found the report confusing and difficult to understand what the actual recommendations were.

The committee recommended changing the following:

Formatting and wording of definitions, which apply throughout documents

(Make the definition for MPA as number one and then label a., b., and c., the terms Marine reserve, Marine fishery Reserve and Protected Marine habitat to more clearly define that these are sub-sets of a MPA.) That a different title be found for Marine fishery reserve.

Format within report recommendations in bullet form and then provide the details for each recommendation following the list.

Stress that public process will include local Alaskan residents, advisory committees, and local stakeholders. That this process will not allow outside environmental interests to dominate the process.

The committee recommends that any proposed policy and decisions coming from BOF work session be provided for further review and comments.

Prearrange meeting schedule:

Kensington Bay mining presentation and impacts on Berner's Bay – members agreed to meet on this issue. (To be scheduled later)

Sport fishing strategic plan – a copy of the plan was provided to the members by Brian Glynn and the consensus was to let individual members comment if they wished.

Next to be scheduled were the meeting for game proposals (comments due Oct. 18th) and a strategy for public participation on the two topics that the committee felt would generate significant public comment. The consensus of the committee was to schedule one hearing for public comment on the white bear regulation and Douglas Island wolves limiting public testimony to 3-5 minutes depending on the turnout but to wait until the following meeting to determine the Advisory committee recommendation on the issues until the following meeting.

Dates set were October 8th and 15th at 6:15pm. At the meeting on the 15th we will make our recommendation on the white bear regulation, Douglas Island wolves and all the other game proposals in the book.

Meeting was set to discuss the wild trout policy being considered in Oct. on October 3rd at 6:30 with the trout sub-committee meeting on Oct 2nd at the Breakwater at 1:00 to look at the information and develop a set of recommendations for the whole Advisory committee to look at.

Board of Fish proposals. (Still tentative while checking if biologist and protection will be available along with meeting room.)

December 5th (Time to be determined)

(tentatively consider Groundfish, & LAMPS – 33 proposals)

December 10th (Time to be determined)

(tentatively consider Subsistence and Herring – 61 proposals)

December 17th (Time to be determined)

(tentatively consider Dungeness crab, scallops, misc. shellfish and dive – 47 proposals)

January 2, 2003

(tentatively consider shrimp – 31 proposals)

Dale Kelley from Alaska Trollers Association commented that NMFS is taking public comment through September 23rd on the Code of Conduct for responsible Aquaculture Development in the US EEZ Zone and asked if the committee would send a letter asking for a comment deadline and for no open net cage farming to be allowed for the Alaskan coastline in the EEZ zone.

Motion was made with unanimous consent by Paula/Frank to request NMFS to extend the comment deadline and for no open net cage farming to be allowed for the Alaskan coastline in the EEZ zone. Hearing no opposition the motion passed.

Respectfully submitted,

Kathy Hansen. Chair

Juneau Douglas Fish and Game Advisory Committee

Subject: Scallop content
Date: Wed, 24 Jul 2002 17:24:20 -0700
From: "Teressa Kandianis" <teressa@kodiakfishco.com>
To: <MPA_program@fishgame.state.ak.us>

I pulled down the web copy of the MPA in Alaska: Recommendations. I've only reviewed it briefly but wanted to let you know that you've left out all information on the Alaska scallop fishery and all the areas closed full time or part time for that fishery. The observer data is all catalogued by the Western Region. If you add this prior to the due date for comments, I'd like to have an opportunity to review it before the comment period is over.

Thanks, Teressa Kandianis
Kodiak Fish Company
360-671-1678

**MARINE
CONSERVATION
ALLIANCE**

P O Box 20676
JUNEAU, AK 99802

(907) 523-0731
FAX (907) 523-0732

[illegible]

MPA Task Force
ATTENTION: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

October 2, 2002

Dear Mr. Woodby:

Thank you for the opportunity to comment on the Alaska Department of Fish and Game's report, "Marine Protected Areas in Alaska: Recommendations for a Public Process." We commend you and your colleagues for creating a useful review of Marine Protected Areas (MPA) and a solid starting point for what will surely be a long and complex conversation about the potential role of MPAs in Alaska fisheries management. We encourage the Alaska Board of Fisheries' careful deliberation on this important subject.

The Marine Conservation Alliance (MCA) was established by fishing associations, communities, Community Development Quota (CDQ) groups, harvesters, processors, and support sector businesses, to promote the sustainable use of North Pacific marine resources by present and future generations, based on sound science, prudent management, and a transparent, open public process. We seek practical solutions to resource use questions to both protect the marine environment and minimize impacts on the North Pacific fishing community. We support research and public education about the fishery resources of the North Pacific. Certainly, the ecological health of the North Pacific is central to sustainable use of its renewable resources. We are equally convinced the human portion of the equation deserves consideration.

In concept, we believe MPAs can serve legitimate management objectives if they 1) are scientifically justified, 2) have clearly articulated goals, and 3) incorporate provisions for continued monitoring to ensure those goals are being achieved.

Clear definitions and goals for MPAs are paramount; there already exists a wide variety of opinion on what constitutes said designation. Scientific justification should be oriented toward reducing or minimizing

known, demonstrable adverse impacts, not peremptorily creating no-take reserves for the sake of creating reserves. Further, Alaska-specific data are needed regarding the effectiveness of MPAs. Most existing information on MPAs or their equivalents comes from faraway, often tropical, regions; reliable data from Alaska are in decidedly short supply.

In our view, temporary, seasonal, or gear-limited closures imposed to achieve conservation and management objectives, by whatever name they may be called, qualify as *de facto* MPAs; MPAs are not just no-take marine reserves. We further believe state and federal regulators already enjoy ample authority to designate *de facto* MPAs at many levels of restriction, and we encourage regulatory agencies to fully consider that authority in deliberations on limiting use of marine areas. No restrictions, especially creation of new no-take marine reserves, should be imposed until MPAs are properly defined and specific goals identified.

However they are known, MPAs have long been a fact of life in the North Pacific. As noted in your report, tens of thousands of square nautical miles are already closed or restricted to fishing to protect habitat or otherwise conserve sensitive species. The North Pacific has a substantial network of protected areas already in place.

We encourage the establishment of MPA guidelines with the same transparent, public, science-driven process central to state and federal fishery management decisions. Since half of all fish and shellfish landings in the U.S. come from federal and state waters off Alaska, we expect the North Pacific fishing community will be well-represented in those deliberations.

With those general tenets in mind, we offer the following specific observations and suggestions:

Page 4

Definitions: We believe any definition of MPAs should be broad enough to include fishery management actions that close an area permanently or seasonally and/or restrict the use of a certain type or types of fishing gear for purposes of achieving conservation and management objectives.

The three specific terms and distinctions used in this report are supposedly subparts of the overall concept of an MPA. The distinctions between "marine reserve," "marine fishery reserve," and "protected marine habitat" are somewhat artificial and arbitrary. We applaud your taking the initiative to develop an accepted lexicon, because in the MPA arena, terms have been used imprecisely and inconsistently, leading to confusion and misunderstanding.

However, the terms used are not carefully delineated. Therefore, some types of managed areas we believe should be considered as MPAs don't fall under any of the definitions, e.g., "marine fishery reserve" seems narrow enough to exclude management

areas such as the "Red King Crab Savings Area (RKCSA)," because they are not areas where "extraction of a specified fishery resource" is prevented. Report authors may have been trying to distinguish between a management closed area for one species rather than a complex of species or all species, but we feel they set the definition too narrowly. The RKCSA is intended to protect red king crabs and their habitat, yet because some portions of the area are accessible to fishing, it doesn't fit into any of the definitions. If there is no definition that would include the herring, salmon, and crab management areas, we believe the Department needs to modify their definitions to ensure recognition of the considerable territory already designated as *de facto* MPAs.

Also, "protected marine habitat" suggests the only type of management protection for habitat pertains to bottom structure or benthic habitat. Habitat for fish or other animals is usually construed to be more than benthic structure and MPAs should encompass more than just the realm of benthic habitat. For instance, sea lion rookery restrictions for groundfish off Alaska would not fit into this definition because trawling for species other than cod, pollock, and mackerel is allowed (as is bottom contact fishing with fixed gears). Since the focus of sea lion rookery closures is protection of one aspect of "habitat," sea lion rookery closures fit most closely with this category. However, once again, these areas would not qualify as protected marine habitats or marine fishery reserve.

Goals of Marine Reserves in Alaska: Some of these stated goals reflect a habitat focus that is too narrow and somewhat misdirected. For example, in the second bullet, the report suggests to rebuild overfished populations and stocks, only habitat protection and leaving some habitat "undisturbed" (presumably from man-made disturbance) are considered.

The goal of MPAs for stock rebuilding is broader than this, generally being presented as leaving a portion of the stock unfished so fish can grow to maturity and the genetics and spawning dynamics of the population are better preserved in the reserve area. In actuality, the linkage between fish population health and "undisturbed" habitat has hardly been demonstrated.

Likewise, the final bullet on enhancing fishery yields may be a laudable objective, but it has largely fallen from the list of reasons to create MPAs in recent years because many MPA plans now call for a reduction in Total Allowable Catch (TAC) proportionate to the reduction in area available for fishing. In most cases, larval dispersal and increased yield from "spillover" is thought to be applicable only to a limited set of circumstances where networks of reserves supposedly seed one another or provide for yield spillover into areas where fishing is allowed. If this case applies, it is in tropical reef systems with mostly sedentary species, or shelves with the dynamics of predictable larval dispersion. Ascribing this particular goal and high expectations for MPAs off Alaska is improbable at best.

Page 5

Specific Recommendations for Marine Reserves and Protected Marine Habitats in Alaskan Waters: The report's conclusion is to consider adopting MPAs and create an adequate public process for stakeholders, a reasonable timeline and review process, a process for input from communities, and accessibility for the public. Public process should not simply define "affected community" as those municipalities directly adjacent to proposed MPA areas.

For example, the "stakeholder" process launched by the North Pacific Fishery Management Council on Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HPAC) did little to incorporate concerns of affected communities not directly adjacent to proposed HAPCs. Many potentially affected fishermen are not simply local people, and with the CDQ program in Alaska, there is a greater cross fertilization than ever in terms of partnerships between local and non-local users that could be affected. We ask that you not define "affected community" narrowly.

While public process priorities are truly worthwhile and laudable, the process of determining if MPAs would create benefits for fisheries off Alaska first and foremost needs significant input from the scientific community. In areas and regions where MPAs have been suggested as beneficial management tools, successful implementation has hinged on 1) an adequate scientific design with well constructed and articulated goals and designs, incorporation of experimental designs and controls to help establish the efficacy of the program, and 2) adequate public input. This report is long on public process mechanisms and short on descriptions of how scientific planning will be addressed.

Page 6

Evaluate Needs for Reserves and Habitat Protection: These considerations for selecting what fisheries and what areas might be considered fails to describe 1) how these decisions will be made (the technical aspects of the analysis), and 2) who will make these calls (who will perform such an in-depth and potentially subjective analysis where little or no data are available for many of the important variables).

Under 1) above, the emphasis is heaviest on benthic disturbance as the most important consideration as the target for MPA focus. While overfished stocks and other considerations are listed, little of the MPA objective of biodiversity and species assemblages survived through to this list of considerations.

Of the few items listed not related to benthic habitat, the potentially most troublesome is (j), "historical distributions of commercial fisheries," especially "hot spots" and "representative habitat types." Much of the fishing industry's concern over MPAs stems from the possibility that elements of (j) would be used to target potential MPA sites. Under that scenario, areas with highest catch rates would be deemed most critical for protection. This technique could well be applied to each and every representative habitat type, effectively closing off the best fishing grounds. If (j) is really

the intent, we wonder how managers will go about making these determinations and how are the benefits fishermen, communities, and consumers may derive from MPAs affected by placing MPAs in the high Catch Per Unit Effort (CPUE) areas? Clearly, this concern should be addressed at the head of the report.

Item 2) deals with the decision matrix for how the most valuable habitats and sites would be selected and how such concepts as buffers, boundaries, connectivity, and review of MPA effectiveness might be handled. These are the core issues for MPA decisions, and we find little comfort from a list of decision variables without details on what particular scientific expertise will be available to provide guidance on these enormous decisions. That the public will be involved is commendable, but we fear the combined efforts of the Board of Fish, its existing staff (with few, if any, MPA specialists at hand), and the public will be insufficient to such a massive and complex task.

Reserve Site Selection: Item (2) mentions scientific advisors along with an interdisciplinary approach and a public process for MPA development. This concedes the need for scientific advisors but provides scant detail as to how the Department would bring these resources together and how they would ensure that the effort is both adequate and balanced. Particularly worrisome is the return to using high productivity as a criterion for site selection (Item 5). If CPUE would be the determinant, we re-emphasize our comments above.

Item 6 includes the anticipated effect of displaced fishing effort as a consideration, which is a positive approach, but what information will managers use to understand these effects? We have, for a long time now, needed models to evaluate effort shifts in Federal fisheries off Alaska. To our knowledge, such models are still not available, and we wonder what would be used to evaluate effort shifts and effects. Even industry input would likely prove inadequate because the evaluation of "next best" alternatives is complex, and any one vessel operator may not be able to predict what his response would be without knowing what the rest of the fleet would do.

Item 6 also mentions economic stability. We applaud the Department's recognition that we need economic analysis of effects of MPAs on the industry and affected communities. However, "stability" may be an imperfect goal, e.g., we suspect few in the salmon industry would advocate for the stability of that industry in its present form. Even for groundfish, for affected fishing communities that are already fully involved in deriving benefits from the resource, stability may not be an acceptable goal. For several communities interested in exploiting fishery resources that are thought to be underexploited at this time, stability is probably not an acceptable criterion for economic performance.

Page 8

Sensitive Marine Habitats: This section prioritizes sensitive habitats such as deep sea corals and sponges because these areas are thought to "structurally enhance the diversity of habitats and promote greater diversity." While few would argue that corals

provide obvious structural enhancement, as do boulders and other non-living features, the argument that corals "promote greater biological diversity" is not clearly demonstrable, especially in areas outside of the tropics.

Coordination with Federal Efforts and with other State Agencies: We are encouraged by the Department's recognition of the State's role in the process, especially with regard to its lack of authority to set regulations in federal waters. The State apparently sees its MPA process as working in conjunction with the federal EFH and HAPC process, and will seek opportunities where state and federal areas of jurisdiction overlap. The language also seems to imply that the State's role may extend to providing direction to the federal process through its joint Board/Council protocol committee as well. We find the argument for such coordination compelling, particularly in the Aleutian Islands, where coral bycatch data suggests that many of the areas where corals are affected by fishing gear include both state and federal waters.

Page 9

Management Plans for Reserves: Our earlier concerns about scientific guidance available to the State apply here as well. The elements of an MPA plan will need scientific guidance in order to develop a design 1) capable of achieving its goals, 2) that incorporates a monitoring plan to evaluate whether the MPA is accomplishing its objectives, and 3) that optimizes site selection so as to be adequate scientifically.

We note with no small amount of concern the Department's acknowledgment of inadequate funding for scientific and management planning aspects of MPA consideration (Page 6, Item 1: "The analysis is expected to be a significant effort requiring additional funding and potentially conducted under contract"). If the Department lacks funding, will it attempt to just do the best job possible "in house," or might it seek funding from outside sources? We see both options as difficult at best and fraught with peril at worst.

We are encouraged by Item 4, confirming that the State feels it is important for any MPA design to include a plan to evaluate its effectiveness. Incorporation of a monitoring plan would certainly lend needed credibility to any efforts to establish MPAs. Elsewhere, MPAs have frequently failed to incorporate monitoring plans, ostensibly due to the complexity of the experimental designs for such plans. We applaud the Department's recognition of the necessity for monitoring plans, and offer our assistance to insure sufficient commitment to such plans that they do not drop from the table in future efforts to implement an MPA.

Monitoring and Evaluation: We concur with the Department's suggestion of inviting independent scientific personnel to participate in the design of monitoring (performance evaluation) plans for MPAs.

Page 12

Appendix B: Scientific Basis For Reserves, sections on benefits inside and outside reserve areas: This literature review is reminiscent of others produced to convince readers of the supposed benefits of MPAs, especially in that it begins with an admission that there are very few scientific case studies of the effectiveness of MPAs at attaining their stated objectives. Most of the literature is conceptual or theoretical and not grounded by empirical studies to show the actual effects of the MPAs. Unfortunately, circumstantial evidence is easily elevated to more than that, and other potential causes for the outcome are casually dismissed.

MPAs are not often created as controlled experiments, and other fishery management measures are often enacted simultaneously. This confounds the question of any even cursory evaluation of the effects of an MPA. One case in point is the New England scallop fishery, where the Department's paper assigns some positive benefit to the closed areas. In actuality, the management regulations which reduced the allowed fishing days at sea, the swings in environmental conditions, and the reduction in scallop predators all could help explain the increase in scallop biomass (which was significant, both inside and outside the closed areas). Yet this review describes this scallop closed area as an example of a successful application of MPAs.

The other clear deficiency with this review is that the introduction states the MPA case studies and other evaluations from tropical areas are probably not relevant to conditions and fisheries in Alaska. Despite this, the review goes on to make most of its positive conclusions on MPAs based on studies in tropical areas.

The report does an adequate job of raising the issue of whether tropical reef examples are applicable. Much of the larval broadcast perceived benefits of MPAs are predicated on life strategies that are not applicable to species off Alaska, and predictable larval dispersion which is not really applicable to most species in our area. The problem the reviewers clearly faced was if one eliminates tropical MPA studies, there is little or nothing to consider. This lack of studies is more than a hindrance to an MPA literature review for Alaska; it's an indication that little at all is known about how MPAs would work in our fisheries.

One final criticism is that the paper cites some studies that are barely even remotely appropriate for use as examples of MPA successes. Two such papers, by Cushing and by Smith, describing North Sea "closures" during WWI and WWII, are at best tangential to the issue of MPA effectiveness. Many factors can contribute to a doubling in the biomass of flatfish. North Sea flatfish populations have also undergone these swings outside of cataclysmic war events or other situations where fishing was temporarily curtailed.

The approach taken for the review is to evaluate studies of benefits within the reserves and those on the outside of reserves. One issue discussed is the tradeoff on bycatch associated with closing parts of the ocean. The review states that bycatch of

coral might be reduced if areas with abundances of corals are closed to fishing. The study also points out, however, that other bycatch reduction incentives such as reducing salmon or crab bycatch might be negatively affected because reductions in allowable fishing areas remove potentially low bycatch fishing areas where fishermen might otherwise locate effort. This is an important point, and we encourage you to augment this argument.

Benefits ascribed to population genetics from MPAs appear more relevant to reef fish in tropical waters than to fish stocks off Alaska. In addition to life history differences, fishery exploitation rates are thought to be relatively low in our fisheries, so the benefits of an area that allows fish to grow to maturity are not very relevant. Age data collected for stock assessments in Alaska have not shown a compression of catch of mostly younger year classes. In fact, both fishery dependent and survey data for long-lived species (such as rockfish) harvested off Alaska continue to show strong mixes of year classes.

In the section on benefits of MPAs outside of the MPA areas, the predominance of tropical reef fish examples renders the evaluation irrelevant. The cases cited, both positive and negative for MPA applications, are nearly all of questionable relevance because they come from tropical areas involving fish with life histories that are largely not applicable to fish stocks found off Alaska. The single example in this section not from a tropical area is the case of scallops off New England. We already questioned the utility of the scallop closed area example to determine the effects of the closed area, particularly the purported benefits outside the closed area.

Page 17

Sections on theoretical models to illustrate the benefits of MPAs: The section on MPA models is of little value in determining potential benefits of MPAs. Rockfish models are probably more applicable, but we remain unconvinced the benefits and costs of MPAs can be captured in models where there are little or no data for the fundamental input variables.

Page 20

Section on Costs: The report adequately points out the basic cost to fishermen of closed areas in terms of potentially having to fish in the "next best alternative" area, where catch rates are presumably lower (or they'd have fished there in the first place) and fishing costs could be higher. The interaction of the bycatch tradeoffs as a cost associated with closed areas needs to be better illustrated in this section. For fisheries where bycatch constraints drive fishery performance, the loss of a fishing area that has a relatively low associated bycatch cost can be devastating in terms of the potential to make up for catches in areas left open to fishing. These effects are important for many groundfish fisheries off Alaska, yet there are no models available to adequately illustrate these tradeoffs.

Simple models used in the past tended to predict effects based on the assumption that all fishing effort will simply relocate to the area with the next highest CPUE. This assumption can lead to misleading and incorrect estimates of the costs of a closed area. In our experience with how our fishing patterns have shifted in the face of a new closed area (where the next highest CPUE was expected to buoy the effects of the closure), this assumption has in some cases not proven true at all. Large bycatch constraints or lack of an adequate abundance of fish to support the influx of fishing effort can occur. Determination of costs of MPA closed areas needs to reflect the interrelated issue of bycatch for bycatch constrained fisheries, but there is a decided lack of models which can depict these effects adequately. This situation offers a good use of modeling, but the simplistic models used to model area and fishery switching behavior are not up to the task of adequately estimating what MPA closure areas would create in terms of costs to the fishing sector. Finally, consumer surplus effects should also be included in the analysis of costs of MPAs.

Page 25

Reserve Size: We believe a percentage-based goal, such as designating 20% of a management area as an MPA, is neither appropriate nor useful. However, if a regulatory agency set such an arbitrary goal, calculations should not be based solely on no-take designations, but on the vast areas already designated as *de facto* MPAs for fishery management purposes or to achieve other conservation goals. The report needs to discuss the issue of size in the context of a monitoring plan that seeks to evaluate the effects of an MPA.

Page 26

Configuration: Reserve networks: Once again, this section is dominated by examples of reserves configured around the life history parameters of tropical reef fish. Larval dispersion "patterns" are almost unknown off Alaska. This section of the Department's paper, however, does a good job of illustrating the lack of applicability of some of these studies to Alaska, even to rockfish – one of the most sedentary species managed off Alaska.

Page 28

Coverage: Papers arguing for differing proportions of total area, or total area of a given type, are largely arbitrary arguments based on little or no empirical backing. The section on the "ethical argument" brings morals and ethics into the MPA coverage debate, which has no place in a scientific review.

The final sections on precautionary approach report the coverage expectations that some of the more extreme MPA advocates support. As the review points out, closing a large proportion of the available area to fishing and other activities in order to increase productivity and yields is counterintuitive at best. Likewise, these studies assume fishery management would consist of MPAs alone; no other management controls would be

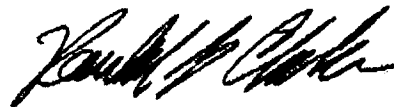
used. This is an unrealistic assumption for Alaska, as we doubt managers are ready to drop all other controls and roll the dice with a huge MPA (as much as 80% of the overall area held in a no-take reserve). We believe fishermen would rather have management controls and a lower percentage of reserve area than a very high percentage of reserve area and a very small area in which they can harvest whatever they want/can. Overall, the section on coverage is sufficiently sketchy that we would recommend it be discarded, if for no other reason, so it doesn't further polarize the different user end environmental groups on this issue.

Finally, we enclose information on MPAs from the June, 2000 annual meeting of the International Coalition of Fisheries Associations, with which you may be unfamiliar. We have also ordered, but not yet received, an Australian report on MPAs that may prove illuminating; we will share that document with you as soon as we receive it.

Thank you for the opportunity to comment. No one is more concerned with the long-term health of the North Pacific and its vast and diverse resources than the people whose lives and livelihoods depend on them. They want and believe we can have clean water, sustainable fisheries, good jobs, and prosperous, livable coastal communities. We are proud to represent those interests.

Thank you for considering our views. We look forward to working with you to resolve the many challenges associated with MPAs in the North Pacific.

Sincerely yours,



Ronald G. Clarke
Executive Director
Marine Conservation Alliance

Encl.



NANA Regional Corporation, Inc.

P.O. BOX 49 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2866

INUPIAT ILITQUSIAT

*With guidance and support
from Elders, I teach my
children these Inupiaq Values:*

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality

October 3, 2002

MPA Task Force, attention Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, Alaska 99801

Dear Mr. Woodby:

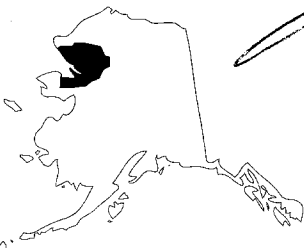
On behalf of NANA, I would like to take this opportunity to provide comments as requested in the report entitled: "Marine Protected Areas in Alaska: Recommendations for a Public Process". As you are probably aware, the NANA Regional Corporation is a Native regional corporation serving villages located within the Northwest Arctic Borough. Both subsistence and resource development are very important to the region. In order for communities to grow and maintain an economic base, there needs to be a healthy balance between resource protection and development. If new "Marine Protected Areas" are to be established to the detriment of residents in the region, there needs to be a serious review of the process.

Within the NANA Region there are a number of local organizations such as the Alaska Federal Subsistence Regional Advisory Council, the State organized Arctic Region Advisory Committees, and the Northwest Arctic Borough Coastal District, which help make decisions on fish and game issues in the region. These organizations along with NANA should be actively involved in the decision making process for the future of Marine Protected Areas in Alaska, particularly those areas which effect Northwest Alaska.

Most of all, NANA is concerned about how new Marine Protected Areas in Alaska would affect NANA lands, development of NANA lands, community development projects, and affects to NANA shareholders currently and in the future.

Sincerely,

Helvi Sandvik
President – NANA Development Corporation



Subject: MPA comments

Date: Wed, 02 Oct 2002 16:49:38 -0800

From: kwilliams@tribalnet.org (Kate Williams)

To: MPA_program@fishgame.state.ak.us

Please accept the following comments on the MPA Public Process Recommendations submitted by the Native Village of Eyak. These were also faxed to your office today at 5:00 p.m.

Thank you-

Kate Williams
Director of Environmental and Natural Resource Programs
Native Village of Eyak
P.O. Box 1388
Cordova, AK 99574
(907)424-7738
(907)424-7739 fax

October 2, 2002

MPA Task Force
Attn: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
PO Box 25526
Juneau, AK 99801
(907)465-6115

Dear Mr. Woodby,

Please accept the following comments regarding the report "Marine Protected Areas in Alaska: Recommendations for a Public Process." The Native Village of Eyak submits these comments in hopes that they will be incorporated into the state's process for responding to public proposals for the creation of Marine Protected Areas (MPAs). This report was reviewed by an NVE staff anthropologist and biologist.

The report is clearly presented, well written and provides comprehensive information on issues surrounding MPAs. The state's recognition of this issue and an attempt to create a workable process is important. However, federally recognized Tribes and their role as local governments are conspicuously absent from the report. Our comments center around this concern.

One of the only mentions of Tribes is in the section regarding Washington State Marine Protected Areas (pages 48-56) and concerns the "Boldt Decision". We assert that, in Alaska, there are also numerous mandates that require consultation and coordination with Tribes regarding the creation of MPAs. Executive Order 13175 (federal) regarding consultation and coordination with Indian Tribal governments and the Millennium Agreement (state) both require that Tribes be consulted in matters that significantly impact them. The potential creation of MPAs near Alaska Native villages and Tribal traditional and customary use areas is certainly significant and warrants the involvement of Tribes on a government-to-government basis with state and federal agencies. The statement "the cooperation and involvement of tribal authorities is essential to the process of creating MPAs in Washington" readily applies to Alaska as well.

The Alaska Department of Fish and Game and Alaska Boards of Fisheries and Game recently released their policy on government-to-government relations with the federally recognized Tribes of Alaska. This policy "reinforces a

government-to-government relationship between the Alaska Department of Fish and Game (ADF&G) and Boards of Fisheries and Game (boards), and the federally recognized tribes in Alaska through consultation on significant matters of mutual concern". At a minimum, mechanisms for implementation of this policy should be included in Appendix D: Legal Processes and Authorities.

The State's report includes the protection of culturally important sites as part of a larger context that demonstrates the need for marine protected areas. It seems absolutely essential, then, for ADF&G to recognize the importance of Tribal involvement in the protection of cultural resources. Tribes are listed numerous times in the National Historic Preservation Act of 1966 as partners with the federal government in providing leadership and stewardship in protecting national heritage and prehistoric and historic resources. The Archaeological Resources Protection Act of 1979 and Executive Order on Sacred Sites further reiterates Tribal involvement regarding cultural resources. We hope that these would be considered in the process of designating MPAs.

We understand that this report addresses a Public Process and that Tribal involvement is a separate issue. Government-to-government consultation does not occur with members of the public or individual Tribal members, but instead with the appropriate governing body of the Tribe. However, the inclusion of a section on "Coordination with Federal Efforts and with other State Agencies" in the report (page 8) makes it appropriate to also include a process for meaningful involvement of Tribes. Tribes have environmental, natural resource and fisheries programs that are moving forward and coordination with federal and state programs is ongoing on various levels. Tribes are capable of conducting research, monitoring and evaluation of MPA designation. It is also important to note that Executive Order 13158 states that Tribes can designate and manage their own MPAs.

A cohesive process that establishes protocol for Tribal involvement is essential for successful MPAs in Alaska. The guiding principles for MPA development developed by British Columbia (included in the State report) could serve as a good model for Alaska. Such a model should include:

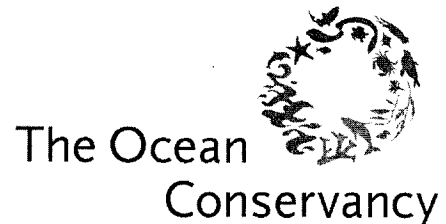
- ? Respecting Tribes as sovereign nations
- ? Ensuring and respecting continued use of MPAs by Tribes for subsistence, cultural, ceremonial purposes and other traditional practices so that MPAs do not automatically preclude access or activities critical to the livelihood or culture of Tribes
- ? Addressing opportunities for Tribes to benefit from MPAs.

Thank you for the opportunity to provide these comments on this important issue. Please contact me or Kate Williams, Director of Environmental and Natural Resource Programs, if you should have any questions. We look forward to working with the Alaska Department of Fish and Game to refine processes related to Marine Protected Areas.

Sincerely,

Robert Henrichs, President
Native Village of Eyak Traditional Council

MPA Task Force, Attn. Dr. Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801



October 2, 2002

Dear Dr. Doug Woodby

The Ocean Conservancy is pleased to provide the following comments concerning the report: "Marine Protected Areas in Alaska: Recommendations for a Public Process. Report to the Alaska Board of Fisheries. Woodby *et al.* *Alaska Department of Fish and Game (ADF&G). Regional Information Report 5J02-08.* July 2002." First of all, The Ocean Conservancy commends the ADF&G on this report that makes a significant contribution to the advancement of this worthwhile cause in Alaska. The key literature citations have been assimilated as have used some of the latest results on marine reserves. The background analysis of the empirical and modeling evidence is very good.

We believe that more work needs to be focused on the recommendations, primarily by being more assertive. In an environment of changing political desires, we specifically recommend that the MPA Task Force strongly encourage the Board of Fish to formalize both this process and the task force itself to provide both permanence to this effort and the necessary time to develop an effective protected area network in Alaska. Based on the clear potential benefits of marine protected areas stated in the document, the lack of a focused direction that includes definitive timelines for further actions is remiss and can only lead to delays in action. Furthermore, the very deliberative and reasonable planning process that is proposed should not be used to delay the stakeholder process toward establishment of the most critical reserves as the need arises.

A major comment that we offer is with regard to definitions. In the rapidly developing field of MPAs, terms have become confusing due to a blurring of definitions. For this process to be successful we believe that this manuscript needs to set very clear and consistent definitions that will allow stakeholders to have a clear understanding of their meaning. Most importantly "Marine Reserves" are a subset, and are not synonymous with "Marine Protected Areas." As an example, Cape Edgecumbe Pinnacles Reserve is not a reserve; it is a Marine Protected Area where bottom contact fishing is prohibited.

The document has a clear bias toward fisheries management, which is appropriate as a Board of Fish product. However, we believe that more discussion should be made of the value of MPAs for zoning (e.g., subsistence/community priority areas) or prohibit oil and gas leasing, protect tourism, prohibit dredging etc. These issues that are outside the mandate of the Board of Fish still need integrating into the MPA process so that the key issue of comprehensive stakeholder involvement is achieved. If the full scope of marine protected areas are not addressed in this report, the title of the document should be changed to reflect that the content is for marine protected areas *with fishery objectives* only. In this manner, further MPA work in other jurisdictional arenas in Alaska can dovetail coherently with this report.

Finally, we strongly recommend a formal nexus with the North Pacific Fishery Management Council EFH process to provide a less confusing array of "habitat protection" processes to stakeholders and Alaska residents.

Specific Comments:

Pg4, "Definitions": In order to understand the existing marine and coastal protected areas in Alaska, it is necessary to first define what is meant by "protected area". IUCN - The World Conservation Union, the world's oldest and largest conservation organization, defines a protected area as:

an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.¹

This definition recognizes and encompasses many different types of protected areas while retaining a focus conserving biodiversity.

The term "marine protected area" also encompasses a spectrum of sites varying in size, shape, objectives, and types and levels of protections, while focusing on conservation. IUCN defines a marine protected area (MPA) as:

any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical, and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment.²

¹ IUCN (1994). Guidelines for Protected Area Management Categories. CNPPA with assistance of WCMC. IUCN, Gland, Switzerland and Cambridge, UK. x+ 261pp..

² Kelleher, G. (1999). Guidelines for Marine Protected Areas. IUCN, Gland, Switzerland and Cambridge, UK. xxiv+107pp.

Both these definitions include sites ranging from highly protected areas, which restrict or prohibit many different human activities, to areas allowing a wide range of different uses compatible with the primary goal of protecting the environment. It is important to note that whereas IUCN's range of definitions covers untrammelled to pristine, most current MPAs in the United States tend toward the trammelled, rather than pristine³.

The United States government interpreted and applied the IUCN definition of MPAs in the Executive Order on Marine Protected Areas (Executive Order 13158, issued May 26, 2000), which defines an MPA as:

*Any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.*⁴

Consistent with these definitions, The Ocean Conservancy considers a marine or coastal protected area to be an area designated by law to provide year-round (consistent with NOAA MPA committee – see Appendix 1), lasting protection to the marine environment above and beyond that provided by the laws and regulations in effect outside the site's boundaries. This definition includes marine reserves, which are highly protected MPAs that prohibit fishing and other activities involving extraction of living and non-living resources, as well as MPAs that allow a wide range of activities. Although seasonal fishing closures can, and should exist, The Ocean Conservancy regards these as a different form of marine management to an MPA (for NOAA definitions see Appendix 1). This should be clarified more clearly in the inventory section of this document to prevent stakeholder confusion between traditional management closures and marine protected areas. In not doing so, the intent and value of marine protected areas is diluted.

Pg4, "Definitions", Pt2: We recommend that the definition of "Marine Reserve" is clarified more rigorously so as to differentiate between benthic and pelagic marine protected areas versus no-take marine reserves. For example, Cape Edgecumbe Pinnacles Reserve is actually a "Benthic Marine Protected Area" because pelagic fishing (e.g., recreational) is still allowed.

Pg4, "Definitions", Pt3: It is important to recognize that a "Marine Fishery Reserve" is often time-period specific or seasonal, and that it may exclude only fishing of the specified resource with certain gear types, in contrast to a "Marine Reserve" as defined in point 2, which implicitly, and by practice elsewhere, is permanent and excludes all forms of fishing.

³ Recchia, C., Farady, S., Sobel, J., and Cinner, J. 2001. Marine and Coastal Protected Areas in the United States Gulf of Maine Region. The Ocean Conservancy.

⁴ Marine Protected Area webpage <http://www.mpa.gov>.

Pg4, "Goals of Marine...", DP3: Control areas are also recognized to be important for the measurement of natural biological and ecological processes (i.e. in the absence of exploitation and its effects) (e.g. estimation of natural mortality or ecological recruitment rates), which are important to the effective management of ecosystems and exploited species.

Pg4, "Goals of Marine...", DP4: Reserves conserve biodiversity through the elimination of direct mortality or fishing impacts on all species, as well as through "indirect community level effects."

Pg5, "Goals for Protection...", DP1: The protection of habitats also has the important functions of restoring/maintaining/protecting biodiversity and ecosystem function, which is believed to positively affect ecosystem resilience.

Pg5, "Specific Recommendations...", Para1, S1, "...to justify some use...": To be more consistent with what is known about reserve performance in the context of current fisheries management we recommend the following wording: "...to justify the informed use..."

Pg5, "Policy", "...the Board consider adopting...": We support a stronger recommendation, such as "...the Board recommends adopting..."

Pg5, "Policy", "...with due consideration to realistic timeframes and staff commitments.": Again, greater consideration should be given to the urgency of providing improved management of valuable, impacted resources and natural ecosystems. With the known benefits of MPAs and the current recognition of applicable issues (e.g., rockfish depletions) this report should provide the basis for ensuring time and staff are available to further develop this process for the foreseeable future.

Pg5, "Public...", Pt1: There are already proposals "tabled" with the Board of Fish (e.g., Pioneer Seafoods proposal 402 that requests the establishment of a series of marine protected areas to address localized depletions of pelagic shelf and slope assemblages of rockfish). We believe that this report should provide the immediate opportunity and direction for these proposals to move forward into the formal process recommended. At what point will the public process "be established" for these items.

Pg5, "Public Involvement...", Pt1b: In addition to the input from stakeholders, the process should explicitly seek consultation with and advice from experts, both state, national and, potentially, international.

Pg5, "Public Involvement...", Pt1c: We agree with this point; however, the timeline should be expedient in light of the need for improved management and the depleted state of many resources and the degradation of many habitats.

Pg5, "Public Involvement...", Pt2: Again, timely and expedient action is needed.

Pg5, "Public Involvement...", Pt3: We recommend that the MPA task force is formalized as the review committee for MPA proposals. Individual proposals should still be allowed each year, allowing the committee to recommend further action (analysis) on approved proposals. The review committee should work closely with EFH interests at the North Pacific Fishery Management Council to provide a synthetic habitat management approach to Alaska's marine waters.

Pg6, "Evaluate Needs...", Pt1: This point is to be commended as it explicitly recognizes a variety of circumstances under which marine reserves are most clearly seen to have the greatest potential to deliver benefits.

Pg6, "Evaluate Needs...", Pt1b: We believe that all stocks with spawning and/or nursery areas that could be identified should be included in this analysis.

Pg6, "Evaluate Needs...", Pt1c: Again, we believe that all stocks with uncertain assessments should be included, given the role that reserve plans have in reducing risks of failure associated with management shortcomings.

Pg6, "Evaluate Needs...", Pt1d: Likewise, we believe that all stocks with uncertainties or difficulties in controlling exploitation rates should be included in the analysis.

Pg6, "Evaluate Needs...", Pt1b-d: Marine reserves certainly can function to improve the management of heavily impacted stocks and systems, and to facilitate their recovery, but marine reserves should also be considered for their potential value to precautionary management where stocks are conserved and protected from future over-exploitation or depredation.

Pg6, "Evaluate Needs...", Pt1g: We recommend the following addition: "..., or any of the conditions described in points b-e are probable."

Pg6, "Evaluate Needs...", Pt1i: Biogeographical regions always exist. This point should be clarified as to the exact meaning.

Pg6, "Evaluate Needs...", Pt1: We recommend that a further point is added: that would allow analysis of the existing or potential future effects of fishing on 'keystone' species (forage species for example) that might lead to multiple, large-scale changes to habitats and ecosystems, trophic cascades or regime shifts.

Pg6, "Evaluate Needs...", last sentence: We recommend a phased, consultative analysis, while an excellent idea, would be enhanced by using a prioritization of the

resources, habitats and ecosystems with respect to their need for remediation and/or protection.

Pg6, "Evaluate Needs...", Pt2c: While this option sounds reasonable it would be difficult to implement because of the time lags between the advent of protection and the realization of benefits first within reserves, later outside reserves, and potentially much later for the benefits associated stabilizing exploitative yields and reducing the risk of resource collapses or management errors; and it would be very risky because the benefits accrued through protection by a marine reserve can be lost very quickly with the resumption of exploitation. This has been demonstrated for example in the New England scallop fishery.

Pg6-7, "Evaluate Needs...", Para2: This is a good point, but we would add that a careful review of modeling studies would provide reasonable lower and upper bounds to this number, which could help during the early stages of planning.

Pg7, "Reserve Site...", Pt1: It should be explicitly recognized that different stakeholders will contribute to different parts of the process with varying expertise, which should affect the uptake and integration of their contribution. The objectives of a reserve should drive the relative contributions of different stakeholders. If biological benefits are the objective, then the expertise of biologists/oceanographers is paramount to reserve placement. Note, without this oversight there is potential for more damage than good to come from a reserve (for example, placing a reserve in an ecological sink area).

Pg7, "Reserve Site...", Pt4: Please clarify: "threshold ecological criteria". Is it that these are thought to be necessary conditions? If so, the points presented should be clarified as to are they the correct ones or universal. The necessary conditions for success will depend on which objectives are desired and the life-history characteristics of the focal species. For example, if within reserve improvements are the primary objective, then the most necessary conditions may be that the reserve is sited in a location that experiences good settlement of larvae or emigration of individuals from a nursery habitat, that it is prime habitat for the species, and/or that it is largely free from other human impacts (e.g. pollution). Alternatively, if the objective is to restore and stabilize fishery yields outside the reserve, then perhaps the necessary conditions would be the existence of adequate spawning habitat within the reserve, and the right hydrodynamics to carry larvae to surrounded regions. So depending on circumstances there could be other necessary conditions (e.g. connectivity, presence of certain habitats, minimum reserve size, etc.). In addition, there is the issue of enforcement, which, although not an ecological criterion, is necessary to reserve success. Regardless of all other reserve design elements, reserve success depends on the elimination or nearly complete reduction of fishing mortality within the reserve, which in turn is dependent on effective enforcement of a no-take designation.

Pg7, "Reserve Site...", Pt5e: This is complicated. First we assume that the disturbance is from fishing. While it would seem to be a good idea to establish a reserve in a relatively untouched area, one must be clear about the objectives of the reserve. The fact that the site is untouched suggests that there may be little fishing pressure there, which could be due to it being a poor site for the focal species or because there is little fishing in general. In the first case, the reserve site could be a poor choice if the objective is to restore an over-fished stock. In the second case, the reserve would not be expected to be an especially effective fisheries management tool, because fishing pressure is low, which means that one would not expect much improvement within the reserve (it is already in good shape), and the export of any life stages would not be expected to enhance the ecological or fisheries recruitment rate within fished areas. On the other hand, such a reserve could be highly effective if the objective was to preserve a healthy stock and help reduce the risk of future declines or collapses due to management errors.

Pg7, "Reserve Site...", Pt6a: It is important to recognize that reserves may improve social and economic stability, but that this benefit may not be realized for some time and may significantly lag observable biological benefits.

Pg7, "Reserve Site...", Pt6b: Please clarify if reserves would be more likely to be chosen as a fisheries management control for large, valuable fisheries, or less likely? If the former, then a tradeoff would have to be made, because, all other things being equal, large, valuable fisheries are more likely to be over-fished and therefore in need of improved management.

Pg7, "Reserve Site...", Pt6c: It is reasonable to assume that the establishment of sizable reserves will result in the redistribution of existing fishing effort, which could increase the impacts of fishing on areas outside the reserves. Therefore, this factor has to be considered, but it would be a mistake to use this fact as a reason to not establish a reserve or to reduce its size. Instead, as should always be the case for any reserve, that the reserve should be seen as only one in a suite of management controls, and other tools should be used to control fishing effort outside the reserve. This goes as well for managing the so-called "halo effect". We recommend the attached manuscript for a current peer-reviewed discussion of this: "Methods for increasing the likelihood of restoring and maintaining productive fisheries" by Sladek Nowlis and Bollermann (Bulletin of Marine Science 2002, 70:715-731).

Pg7, "Reserve Site...", Pt6g: We do not agree with this point. If a reserve (or reserves in general) were unpopular, this implies that it would be less likely that the reserve would be established – irrespective of the biological/management justification. Hopefully, ADF&G and the Board of Fish would be making its recommendation and decisions on a more objective basis than "social and political acceptability".

Pg7, "Reserve Site...", Pt6h: As argued above, enforcement is critical to reserve success. Therefore, this factor must be considered – not in terms of whether there should or should not be enforcement, but rather the level of enforcement and how reserve size and location relates to enforcement.

Pg8, "Experimental Controls...": This is a good idea, but we think it needs to be thought through more fully. This approach would be expected to work best for sedentary species (i.e. little exchange between reserves and fished areas). It is also, dependent on the reserve(s) being replicates of the areas monitored in fished areas, otherwise it would not be possible to assume that environmental factors would affect populations in both localities equally. In other words, a well-planned, potentially sophisticated, sampling design would be needed to be able to clearly separate the influences of the environment from those of fishing.

Pg8, "Sensitive Marine...": A similar priority should be given to sites occupied by especially vulnerable populations or individuals (e.g. nursery habitats or spawning sites).

Pg9, "Management Plans...", Pt3: Please add "...and living resources"; i.e. evaluate costs and benefits.

Pg9, "Management Plans...", Para2: We would suggest that an adaptive approach be explicitly built into the plan, and that reserve funding should be an integral part of the plan.

Pg9, "Monitoring and Evaluation", "Monitoring should": These points are all reasonable, but other factors that need to be considered are the frequency of sampling, the number and locations of replicates, the use of a BACI-type design, and the power of statistical comparisons to be made from the data. More importantly, the program should be designed with the explicit consideration of the processes of reserve improvement (the "reserve effect"), spillover, larval export, recruitment, fishing catches and catch rates, and the variance in these processes (e.g. the proper detection of spillover requires before-after and inside-outside comparisons, sampling with distance from the reserve, movement studies, and monitoring of fishing effort, fish catches and catch rates, and the geographical distribution of these measures).

Pg12, "Benefits Within Reserves", Para1, S2: This statement suggests that the 'reserve effect' (i.e. more, larger fish) is limited to sedentary species in reef systems. It certainly is strongest for sedentary species, but it can be significant for more mobile species. And, most importantly, we don't know that it is habitat dependent, it just appears that way because almost all studies, whether tropical or temperate, have been done in reef habitats.

Pg12, "Benefits Within Reserves", Para1, S3: This is correct for the larger population (i.e. not just within the reserve), but it should be made explicit that this occurs through larval export; the mention later in the paragraph of the "tenuous proviso" is an important caveat. If, however, this is in relation to replenishment within a reserve (i.e. the reserve effect), then that may be contributed to by increased egg production leading to increased settlement within the reserve (dependent on significant larval retention), but the primary cause is the reduction in fishing mortality.

Pg12, "Benefits Within Reserves", Para2, S1: These 'experiments' could be argued provide evidence of the reserve effect, which was exploited following the wars when fishing resumed inside what had been the 'reserves'. Normally we think of reserves affecting fisheries through the export of production to surrounding fished areas, which is not the process that occurred following the two wars.

Pg13, Para2, S2: Although we agree, we emphasize that the most basic common factor is the reduction in fishing mortality, which should benefit any exploited species to one degree or another, regardless of habitat or life history. For classes of fish or invertebrates with similar life histories, then it is more than just "plausible", it is highly likely. We note that "plausible" is warranted for particular species, as it is much more problematic to predict the effect on an individual species.

Pg14, "Benefits Outside...", Para1, S1: Two clarifications are needed. First, spillover is the emigration of juveniles or adults from a reserve to surrounding areas where they become available to fisheries, but the movement of larvae (or eggs) is called larval export, not spillover. Second, spillover is usually seen as density (not biomass) dependent process, whereas the magnitude of larval export would be biomass dependent.

Pg20, "Costs", Para2, S1: This should be described as a potential loss of income. It would only be a loss of income if they could not achieve the same income by fishing in the still open areas. There are several reasons why they might not achieve their previous income, but is not a certainty that this would happen.

Please contact me if you have further questions or desire clarification on any of our comments.

Sincerely

Martin Robards
Attachment: Sladek Nowlis and Bollermann 2002.

Appendix 1. The NOAA MPA Center established a Definition and Working Criteria for their MPA Inventory. Their inventory of Nationwide MPAs relies on five key terms in the definition of an MPA given in the Executive Order: "area," "reserved," "marine," "lasting," and "protection."

Area

To be included in the MPA Inventory, the site:

- Must have defined geographical boundaries and (a) may or may not be associated with the underlying submerged lands and (b) may be of any size, except that the site must be a subset of the U.S. Federal, state, territorial, local or tribal marine environment.

This working criterion excludes:

- Generic broad-based resource management authorities without specific locations.
- Species-specific conservation authorities that are not focused on a defined geographic area.

Marine

To be included in the MPA Inventory, the site:

- Must encompass: (a) an area of ocean or coastal waters (note: coastal waters may include intertidal areas, bays and/or estuaries); or (b) an area of the Great Lakes or their connecting waters.
- The term "intertidal" is understood to mean the shore zone between the mean low water and the mean high water mark. An MPA may have an associated land (terrestrial) component.
- The term "estuaries" or "estuarine" or "estuary": "Part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand during the period of average annual low flow."
- An MPA may have an associated land (terrestrial) component.

This working criterion excludes:

- Strictly freshwater areas outside the Great Lakes that contain marine species at certain seasons or life history stages.

Reserved

To be included in the MPA Inventory, the site:

- Must be established by and currently subject to some form of Federal, state, territorial, local or tribal law or regulation.

This working criterion excludes:

- Privately created and maintained marine sites.

Lasting

To be included in the MPA Inventory, the site:

- Must provide year round (12 months) protection.
- Must be established with an expectation of, or at least the potential for, permanence. Areas with a sunset clause must provide a minimum of four years of continuous protection and must have a specific mechanism to renew protection at the expiration of the sunset period.

This working criterion excludes:

- Areas subject only to temporary protections, such as areas protected only by emergency fishery regulations under the Magnuson-Stevens Act, which expire after 180 days.

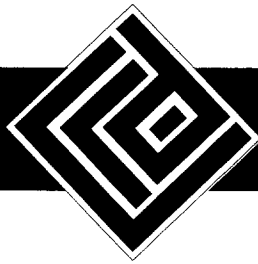
Protection

To be included in the MPA Inventory, the site:

- Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and cultural resources therein, beyond any general protections which apply outside the site.

This working criterion excludes:

- Areas closed to avoid fishing gear conflicts.
- Area subject to single species management measures that do not have demonstrable benefits to a broader array of species or habitats.
- Areas established solely to limit fisheries by quota management.



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

Founded 1975

Executive Director

Thaddeus J. Owens

2002-2003 Executive Committee

Charles W. Johnson, President

Mark Hanley, Sr. Vice President

John Shively, Vice President

Uwe L. Gross, Secretary

Stephanie Madsen, Treasurer

Allen Bingham

Charlie Boddy

Rhonda Boyles

Marilyn Crockett

Mano Frey

Paul S. Glavinovich

Charles Greene

Teresa Imm

Paul Laird

Thomas Maloney

Kirk McGee

Sally Smith

Joseph Sprague

Robert B. Stiles

Scott L. Thorson

John Whitehead

Jack Williams

Directors

Irene A. Anderson

Dale Bagley

Ernesta Ballard

John A. Barnes

C.E. Eric Britten

Frank M. Brown

Al Burch

Richard Cattanch

James L. Cloud

Stephen M. Connelly

Jeffrey J. Cook

Bert Cottle

Robert Cox

Larry Daniels

Paula Easley

Lori Eussen

Jeffrey Y. Foley

Ronald A. Gelbrich

Carol Giliam

John K. Handeland

Rick Harris

Joseph R. Henri

Anthony M. Izzo

Jim Jansen

William Jeffress

David Jensen

Frank V. Kelty

Wendy Lindscoog

William Harry McDonald

David L. Matthews

William McLaughlin

James Mery

Ron Noel

John K. Norman

R. Michael O'Neill

Dean Owen

Sarah H. Palin

Lisa M. Parker

Gail Phillips

William F. Pierce

Debbie Reinwand

Elizabeth Rensch

Rick Rogers

Dennis Roper

Roswell L. Schaeffer, Sr.

Thyes J. Shaub

Patrick R. Smith

John L. Sturgeon

Jim Taro

Rupert C. Tart, Jr.

Lon Trotter

Nancy B. Usera

J.C. Wingfield

George P. Wuerch

Eric P. Yould

Honorary Directors

Phil R. Holdsworth

George R. Schmidt

William R. Wood

Ex-Officio Members

Senator Ted Stevens

Senator Frank Murkowski

Congressman Don Young

Governor Tony Knowles

October 1, 2002

Mr. Doug Woodby, Chair

MPA Task Force

Alaska Department of Fish and Game

Division of Commercial Fisheries

P.O. Box 25526

Juneau, AK 99801

Re: Marine Protected Areas in Alaska — Recommendations for a Public Process

Dear Mr. Woodby:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to outline our questions and concerns regarding the Alaska Department of Fish and Game's proposal for the possible creation of Marine Protected Areas (MPA). RDC is a statewide non-profit trade association representing individuals and companies from Alaska's fisheries, oil and gas, mining, timber and tourism industries. Our mission is to grow Alaska's economy through the responsible development of the state's natural resources.

As a matter of philosophy, RDC's members are uncomfortable with the prospects of increasing the state's already substantial regulatory regime without first identifying a clearly defined need for an additional program. Our review of the MPA Task Force report to the Board of Fisheries raised several questions with respect to the need, as well as the potential cost, scope, and impact of any proposed MPA program. We urge the MPA Task Force and the Board of Fisheries to carefully consider what specific resource management demand this program will fulfill in light of the myriad other regulatory programs currently affecting Alaska's waters and fisheries.

The MPA Task Force report indicates no fewer than nine state and federal agencies currently administer programs designed to protect Alaska's water and fish resources. Moreover, the report states that "To date, the inventory recognizes over 200 individual marine protected areas in 18 categories in Alaska state and federal waters." This inventory does not include the essential fish habitat (EFH) and habitat areas of particular concern (HAPC) programs currently being drafted by the North Pacific Fisheries Management Council.

Under these circumstances, what specific management need will a future MPA program address? Will an MPA replace existing state protected areas such as critical habitat areas, or will it serve as an overlapping and redundant regulatory process? How closely will any proposed MPA mirror adjacent EFH or HAPC areas?

Discussions concerning a future MPA program should not continue unless a compelling argument can be made that the program is needed in the first place.

Once a need has been defined, potential costs associated with any proposed MPA program must also be carefully scrutinized. The MPA Task Force report outlines several potentially significant financial and opportunity costs associated with a possible MPA program in Alaska. These costs include reduced fishing income, fewer opportunities to fish in traditional areas, heightened competition for fewer fish, decreased harvest yields, reduced subsistence and recreational opportunities, lost wages and jobs, government compensation to those adversely affected, and new research and management costs. Can Alaska's fishing industry handle such costs and remain competitive? Beyond Alaska's fishing industry, what affects will MPAs have on non-fishing industries? How will the overall health of Alaska's economy be affected? With the State facing a nearly \$1 billion fiscal gap, can we afford to fund a brand-new regulatory program?

RDC recognizes the social, economic and cultural benefits Alaskans receive from healthy, abundant stocks of fish and other marine resources. The task of managing Alaska's fish resources to provide for a sustained yield is not an easy one. A well-designed MPA program may become an important management tool for the State, but not until a need is clearly defined and a detailed analysis of the proposed program's costs and benefits is completed. In the meantime, the MPA Task Force and the Board of Fisheries should proceed with caution before adding yet another regulatory program to Alaska's challenging business environment.

Thank you for allowing us to provide comments on this important issue. We appreciate the opportunity to participate at this early stage, and we look forward to providing the MPA Task Force and the Board of Fisheries with continued input. Please feel free to contact me with any questions.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.



Tadd Owens
Executive Director

Subject: comments on MPA report

Date: Tue, 24 Sep 2002 14:08:34 -0700

From: Astrid Scholz <ajscholz@ecotrust.org>

To: MPA_program@fishgame.state.ak.us

CC: ebackus@ecotrust.org

Dear Mr. Woodby,

please accept these belated congratulations on your and your task force's report "Marine Protected Areas in Alaska: Recommendations for a Public Process". I would like to commend you on your thorough analysis of the literature and the experience with MPA processes in the lower 48. I sincerely hope that the State of Alaska succeeds in translating these lessons into a smooth and productive public policy process.

As an occasional consultant on the California processes (CINMS and MLPA), I encourage you to pay close attention to the design and structure of your stakeholder process. If there is one lesson that has been learned over and over again, it is that socioeconomic concerns are at the forefront of many fishermen's and other stakeholders' minds, but are often relegated to the latter stages of analysis in processes. Often, the price for focusing on the more readily available ecological and biological information, or for considering it in isolation from socioeconomic concerns, is increased controversy and political resistance. In general, less is known about the social and economic effects of management measures such as MPAs, and this is precisely why it is so important to make the elicitation of these "softer" data an early priority in the process. NOAA's MPA Center, under the direction of Charlie Wahle, hosted a workshop on the socioeconomics of MPAs in April of this year, and I would encourage you to review the very concrete, and not all that expensive tools and techniques available for collecting socioeconomic data and designing inclusive participatory processes.

As you are no doubt aware, NOAA has also been instrumental in developing new, spatially explicit analytical tools for MPA decision-processes. In addition to their own GIS platforms that have been used in the Florida Keys and the Channel Islands, a project we are currently completing here at Ecotrust has also received major funding from NOAA, not least for its applicability to spatial management measures. In our analytical framework, we are testing a number of ways for explicitly modeling socioeconomic effects of management measures that extend beyond the immediate income and employment impacts. Please let me know if you would like to receive more information or documentation on our project, any additional information on the California processes, or some of the innovations and research needs on socioeconomics identified in a series of recent workshops.

Best regards,
Astrid Scholz

~~~~~  
Astrid Scholz, Ph.D.  
Groundfish Fleet Reduction Information and Analysis Project

Ecotrust, PO Box 29189, San Francisco, CA 94129  
Tel 415 561 2433 ajscholz@ecotrust.org

**Subject: Marine Protected Areas**

**Date:** Tue, 10 Sep 2002 11:04:30 -0800

**From:** "Scott J. Sloane" <scott\_sloane@fishgame.state.ak.us>

**To:** "Andrew J McGregor" <andy\_mcgregor@fishgame.state.ak.us>,  
"Douglas A Woodby" <doug\_woodby@fishgame.state.ak.us>

Here are my comments on the Marine Protected Areas (MPA) in Alaska. Overall, I believe the designation of marine habitat as marine reserves, marine fishery reserves or protected marine habitat would be very beneficial. Increases in species densities, biomass, size and species richness inside and outside the reserve areas are well documented in the MPA management plan, and would be expected in to occur in Southeast Alaskan waters as well.

As outlined in the document, there are several questions which need to be addressed: Who would coordinate the monitoring effort and who would pay for it; where would the data be kept and who would be responsible for organizing and maintaining these data? The MPA document suggests using independent scientific personnel (university researchers) where possible for monitoring. If the State is responsible for designating these areas and for some of the upfront costs of oversight, I would think that we would want to maintain some type of control on the collection of these data and its dissemination. Where would these data be stored and who would be responsible for the data? If independent researchers are responsible for the monitoring and oversight, the State would still need some personnel to oversee this effort. How much time and money is the State willing to contribute to this effort and are there State monies available for monitoring and oversight? Are there federal monies available for such monitoring, and if so, all the more reason for the State to be responsible for or at least involved in the monitoring. Is this something the Habitat Division could coordinate? Do we need to create a Marine Habitat Division? The designation of MPAs is going to take a lot of coordination between ADFG and the commercial fishing industry. Finally, some type of observer and/or enforcement program would have to be in place to ensure that fishing boats stay out of these designated areas.

Overall, I believe the designation of MPAs would be very beneficial to Alaskan marine wildlife and I strongly support such an effort. There are a few unanswered questions, but assuming there is enough momentum from the top, these questions can be addressed. Good Luck, and please let me know if I can be of any assistance.

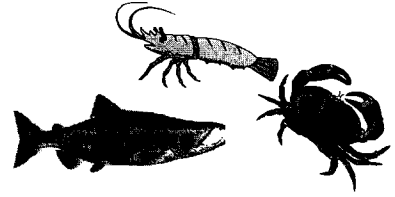
Scott J. Sloane  
Assistant Area Management Biologist  
Commercial Fisheries Division, Douglas

## *Southeast Alaska Fishermen's Alliance*

9369 North Douglas Highway  
Juneau, AK 99801

Phone 907-586-6652

Fax 907-586-5648 E-mail: [seafa@sei.net](mailto:seafa@sei.net)



---

September 20, 2002

MPA Task Force; Attn: Doug Woodby  
Alaska Dept of Fish and Game  
Commercial Fisheries Division  
PO Box 25526  
Juneau, AK 99801

RE: Marine Protected Areas in Alaska: Recommendations for a Public Process

The Southeast Alaska Fishermen's Alliance (SEafa) is non-profit group representing their members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Under the recommended definitions we would suggest that it is made more clear that Marine Reserves, Marine Fishery Reserves and Protected marine habitat areas are sub-set of a Marine Protected area and that marine fishery reserves and protected marine habitat areas can already be established by the Board of Fish but that the most strict of all areas the Marine Reserve can only be designated by the Legislature.

Under Public Involvement Process we would like emphasized that Marine reserves are to be determined by the local Alaskans in the community and not by outside interests. One way of doing this is by having the closest local fish and game advisory committees as the only vehicle that submits proposals for the marine reserves. SEafa would not be interested in having a task force or advisory group appointed to pick out the areas to be created for reserves.

While we considered all the information regarding other areas and what they are doing interesting, we would object to relying on models developed in other areas or regions especially as so much of the information was prefaced by the words presume or think. We do not need this type of science in Alaska.

We also hope that the Board of Fish in developing a policy will give many opportunities for comment as it is being developed and not rush the process.

Sincerely,

Kathy Hansen  
Executive Director

# Alaska State Legislature



*Chairman,*  
Judiciary Committee

*Vice-Chairman,*  
Administrative Regulations  
Review Committee

*Member,*  
Transportation Committee  
Resources Committee

**Senator Robin L. Taylor**

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax: (907) 465-3922

50 Front Street  
Suite 203  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713  
Toll Free: 877-463-3873

September 11, 2002

Page 1 of 2

Dear Doug,

Thank you for sending along the report to the board on MPAs.

Sadly the board and the department appear to be extending their jurisdiction beyond the constitutional and legislative authorization.

The constitution requires management for "Sustained Yield" under article VIII section 4 and thus requires the Board of Fish to manage for this result. (See attorney generals opinion August 1990).

Furthermore, the department and the Board are specifically required to abide by AS 16.05.251 (A) (1), which restricts the creation of "reserve areas, refuges and sanctuaries in the waters of the state, "To those areas approved by the legislatures".

RE: Page 1

"Despite this report's focus on fishing, the department recognizes a larger context and need for marine protected areas. This larger context includes protection for other marine life, such as marine mammals and seabirds, protection from pollution, protections from adverse impacts of mineral extraction, protection of culturally important sites, and maintenance of pristine ecosystem structure and function. Where appropriate, the department recommends taking these larger issues into consideration as additional factors when evaluating MPAs proposed for fishery related purposes."

Management of the commercial species under substantial yield principles is the Boards area of jurisdiction. - Birds, pollution, and cultural significance are certainly not within the ambit of that authorization. Protection from adverse impacts of "Mineral extraction and maintenance of pristine ecosystems" seems afield of the constitutional and legislative authorization.

District A:

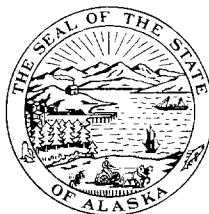
Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell  
E-mail: [Senator\\_Robin\\_Taylor@legis.state.ak.us](mailto:Senator_Robin_Taylor@legis.state.ak.us)

# Alaska State Legislature

*Chairman,*  
Judiciary Committee

*Vice-Chairman,*  
Administrative Regulations  
Review Committee

*Member,*  
Transportation Committee  
Resources Committee



**Senator Robin L. Taylor**

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax: (907) 465-3922

50 Front Street  
Suite 203  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713  
Toll Free: 877-463-3873

Page 2 of 2

With our commercial fishing industry in economic collapse, while we experience record returns of fish. It is sad that the Commercial Fisheries Department has nothing to offer the industry in the form of solutions.

Instead significant staff time, money and energy have been spent to propose a system to create wilderness zones in the waters of this state. Both the department and board should reconsider and re-prioritize its focus.

You are the Commercial Fisheries Division and the industry you regulate is dying, maybe in part because it's regulators are more concerned about creating wilderness, saving eel grass and mud worms, then they are about the industry that pays their salaries.

Abandon this politically correct Clinton agenda, it is ill advised and outside of your jurisdiction.

Sincerely,

A handwritten signature in cursive script that reads "Robin L. Taylor".

Senator Robin L. Taylor

RTL: rjd

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

E-mail: [Senator\\_Robin\\_Taylor@legis.state.ak.us](mailto:Senator_Robin_Taylor@legis.state.ak.us)

**Subject: Corrections to ADF&G MPA report**

**Date:** Wed, 31 Jul 2002 09:11:13 -0700

**From:** "John Ugoretz" <jugoretz@dfg.ca.gov>

**To:** <MPA\_program@fishgame.state.ak.us>

**CC:** <doug\_woodby@fishgame.state.ak.us>, <scott\_meyer@fishgame.state.ak.us>

Dear Mr. Woodby,

Scott Meyer forwarded a copy of your draft report to me for review. I reviewed the California process section and found it well written and presented. I couldn't have done a better job myself.

I did find a few minor typos and corrections as well as two more important changes (on pages 40 and 43). Attached are my suggested edits. If you have any questions or would like more information, please feel free to contact me.

You may also want to look into more information regarding the paper by Roberts et al. (2001) discussed on page 16. The statement that the study "ignored the effect of commercial gillnetting and a recent ban on their use" is not valid. The gill net ban was for the entire state, not just the Cape Canaveral area, yet record fish were still concentrated in the region adjacent to the reserve. Tagging studies in the area have shown that the species involved definitely move far enough to show these effects. Finally, the statement that "trophy catch records were completely distorted" is false. The catch records used in the report were provided to the authors by the IGFA and include more than what is reported in the IGFA annual reports. I strongly urge you to contact Dr. Jim Bohnsack ( Jim.Bohnsack@noaa.gov ) to learn more about this study and the authors' response to criticism.

Finally, you may want to look at the economic studies from the recently established Tortugas reserve in Florida. I understand that the cost estimates that were produced prior to reserve establishment have not been realized. I think the first results are available on the Florida Keys National Marine Sanctuary web site.

Thanks again for the opportunity to review the document,

John

John Ugoretz  
California Department of Fish and Game  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109  
(805) 560-6758  
jugoretz@dfg.ca.gov



Alaska MPA Doc-Ugoretz edits.doc

**Name:** Alaska MPA Doc-Ugoretz edits.doc

**Type:** WINWORD File (application/msword)

**Encoding:** base64



Suggested Corrections to the Alaska MPA Document  
John Ugoretz, California Department of Fish & Game  
July 31, 2002

Page 38, Paragraph 4

"The Marine Managed Areas Improvement Act, passed and chaptered in September 2000 requires..."

Page 39, third definition

"State Marine Recreational Management Area"

Page 40, first line

~~"publicly scrapped the plan in January 2002, and announced in January 2002 that the public process for development..."~~

--NOTE this was misreported by recreational fishing groups in the press. The Director specifically stated that the Department would not use the Initial Draft Concepts as a starting point for the new process. He did not state that the plan had been scrapped.

Page 41, last "History" item

Should be MLPA

Page 43, Paragraph 2

~~"In June of 2001 the SAC forwarded the results of the Marine Reserves Working Group process to the sanctuary manager. The SAC recommendation called for setting aside 25% of the sanctuary in 11 State Marine Reserves, one State Marine Park, and one State Marine Conservation Area. The SAC advised the sanctuary manager to work with the Department of Fish and Game to develop a proposal based on the Working Group results. The joint sanctuary and Department of Fish and Game recommendation called for setting aside 25% of the sanctuary in 11 State Marine Reserves, one State Marine Park, and one State Marine Conservation Area. This recommendation was presented to the Fish and Game Commission in August and the Pacific Fishery Management Council in October. The recommendation followed..."~~

Page 43, Paragraph 5 end,

July 12 has been changed to September 1 (the timeline was extended based on public requests for more time to comment on the draft Environmental Document).

Page 43, Last Paragraph, end

ADD:

The Department is now supporting a bill (SB 1086, Alpert) which will extend the deadlines by another two years. This extension would allow adequate time for the new public process to proceed.

Page 44, Second Sentence

Change: mid July to September 1

LAW OFFICES OF NANCY S. WAINWRIGHT

13030 Back Road, Suite 555  
Anchorage , Alaska 99515-3538

(907) 345-5595 (telephone)  
(907) 345-3629 (facsimile)  
nsw@Alaska.com (e-mail)

Anchorage, Alaska

October 1, 2002

MPA Task Force  
Attn: Doug Woodby  
Alaska Department of Fish and Game  
Commercial Fisheries Division  
P.O. Box 25526  
Juneau, Alaska, 99801

Re: Comments on Recommended Public Process for Marine Protected Areas

Dear Mr. Woodby:

Please accept these comments on the Public Process for Marine Protected Areas. The report is well-written, and comprehensive. It was particularly valuable to include the appendix addressing the experience of other jurisdictions in evaluating and establishing Marine Protected Areas.

The report indicates that it is focusing on marine reserves (areas closed to fishing) as this is the most concern to the public, while recognizing the need to protect other marine life from adverse impacts of pollution, mineral extraction, protection of culturally important sites and pristine ecosystem and function. In that regard, it is recommended that ADF&G identify, in each geographic region of the state, the predominant interests and impacts to marine resources. This would facilitate the creation of necessary marine protected areas for each region. As an example, the North Slope of Alaska has significant fisheries and other resources that have been, and are being, impacted by point sources, thermal discharges, and insufficient water due to significant water withdrawals from lakes and streams.

The U.S. Fish and Wildlife Service, Alaska Region, has identified impacts from oil and gas activities, including impacts of water withdrawal on Arctic fishery resources, water quality and other aquatic resources on the North Slope of Alaska. This includes influence on the habitats of Arctic fishery resources, such as the effects of such development on the nearshore brackish water habitats of the Beaufort Sea during the open water season. This nearshore brackish water band along the Beaufort Sea coast is an essential component of the ecosystem and is widely used by various fish species for feeding and as a migration route. This habitat is a critical component for fish species

ranging from the Colville River to the Mackenzie River in Canada.

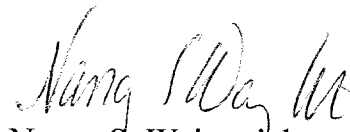
ADF&G is requested to address establishing baseline data, and possible marine protection for this region of Alaska. Information on the discharges, the timing of water withdrawals in relation to the effect upon fish species, aquatic organisms, life cycle of the fish species present and any effects on the migration of fish species are essential. Information on the downstream hydrologic and fisheries impacts from gravel mines that become reservoirs, including the effects of continually enlarging the such reservoirs are necessary. The hydrologic or fisheries impacts associated with the diversion of river flows to these various reservoirs, the impacts to nearshore habitats (including benthic macro invertebrates and nutrient levels) and potential effects on fish migration corridors would be beneficial. ADF&G files reflect that certain rivers, such as the Sagavanirktok, have already experienced a significant decline in water quality and fish species, due to this activity. As the oil infrastructure moves west (in NPRA) and east (Pt. Thomson Gas Project) the impacts are increasing, particularly in the Colville River Delta region.

There should be a scientifically valid, empirically-verifiable assessment of the potential impacts to the water quality, water quantity, and fishery resources of the North Slope from the discharges and water withdrawals necessary for oil and gas development. Additional information, monitoring and studies are necessary to draw valid scientifically supported conclusions about the impact to fishery and aquatic resources from these activities. Additional data and analyses are needed to assess the cumulative impacts of gravel mines, reservoir filling, and water withdrawals on the fishery and aquatic resources of the North Slope and nearshore habitats. It is recommended that ADF&G establish water quality protection areas, where point sources, water withdrawal, gravel mines, waste and thermal discharges are prohibited.

British Columbia and Washington have recognized that participation of tribal governments is essential in this process. Governor Knowles' Administrative Order 186 recognizes that the State of Alaska must work together with Tribal governments to develop mutual respect for the rights, responsibilities, and interests of all parties, and encourages government to government consultation on these types of issues. Therefore, it is recommended that in any assessment of marine protected areas, whether in the North Slope or elsewhere, that tribal governments be involved early in the process, and in a way that allows a meaningful exchange concerning these issues.

Thank you for the opportunity to comment, and for providing an excellent first report on this issue. Please include me on your mailing list, so that I may receive future information about this initiative.

Sincerely,



Nancy S. Wainwright



The Alaska Department of Fish and Game administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information please write to ADF&G, P.O. Box 25526, Juneau, AK 99802-5526; U.S. Fish and Wildlife Service, 4040 N. Fairfield Drive, Suite 300, Arlington, VA 22203 or O.E.O., U.S. Department of the Interior, Washington DC 20240.

For information on alternative formats for this and other department publications, please contact the department ADA Coordinator at (voice) 907-465-4120, (TDD) 907-465-3646, or (FAX) 907-465-2440.

